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LAWS

OF

WASHINGTON TERRITORY.

COMPILED BY JOHN P. JUDSON AND ELWOOD EVANS.

Washington (Ter.) Laws, statutes, etc.

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NOTE.

The Legislative Assembly of 1881, in the enactment of the "Code of Washington," did not include many laws of a general nature, which, by the terms of the repealing clause of the Code, are still in force. These are scattered through the session laws, from 1855 down to date, and the following compilation is thought to include all such laws of a general nature, not appearing in the Code, but still in force in Washington Territory. The question may arise whether some of these laws have not been repealed, but as at present advised, they are thought not to be, and hence are included.

C. B. BAGLEY,
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LAWS OF WASHINGTON TERRITORY.

MARKS AND BRANDS.

SECTION 1. It is hereby made the duty of the county auditor of each county in this territory, on application of any person residing in his county, to record a description of the marks or brands which said person may be desirous of marking or branding his horses, cattle, sheep, and hogs, but the same description shall not be recorded for more than one resident of the same county.

SEC. 2. No mark or brand shall be considered lawful unless recorded. No two residents of the same county shall use the same marks or brands. The person having first recorded his mark or brand, shall have the preference, but nothing herein contained shall prevent the parties from agreeing which of them shall change his mark or brand.

See laws 1855, p. 34.

BURYING GROUNDS, AND PLACES OF SEPULTURE.

SECTION 1. Any number of individuals, in any portion of this territory, may associate for the purpose of procuring and establishing a burying ground or place of sepulture; and, being so associated, they shall, on complying with the provisions of this section, be a body politic and corporate; may choose a president and other officers, may enact by-laws for regulating the affairs of such corporation not inconsistent with the laws of this territory, and compel the observance thereof by suitable penalties; may sue and be sued, and do all acts necessary and proper for the well ordering of the affairs of such corporation: *Provided*, That, before any such association shall be entitled to the privileges granted in this section, they shall lodge with the secretary of this territory a copy of their articles of association, and shall also cause the same to be recorded in the records of the county where such burying ground is situated.

SEC. 2. Whenever any part of such burying ground shall have been designated and appropriated by the proprietors thereof as the burying place of any particular person or family, the same shall not be liable to be taken or disposed of by any warrant or execution, for any tax or debt whatever; nor shall the same be liable to be sold to satisfy the demands of creditors whenever the estate of such owner shall be insolvent.

SEC. 3. Each and every county, town or city, shall have power to provide a hearse and pall for burial of the dead, and to procure and hold lands for burying grounds, and to make regulations, and fence the same, and to preserve the monuments erected therein, and to levy and collect the necessary taxes for that purpose, in the same manner as other taxes are levied and collected.

SEC. 4. Every person who shall willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure, placed within any cemetery, grave yard, or place of public burial, or any fences, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall willfully and maliciously destroy, remove, cut, break or injure any tree, shrub, or plant, within any cemetery or grave yard, shall be punished by fine, in any sum not exceeding one hundred dollars.

SEC. 5. Justices of the peace and judges of probate shall have cognizance of all offenses violating the provisions of this act.

See laws 1857, p. 28.

TO PUNISH SAILORS FOR DESERTING SHIPS IN THE WATERS OF PUGET SOUND.

SECTION 1. If any mariner shall desert from any ship or vessel in the waters of Puget Sound, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail not more than six months.

SEC. 2. Any and all improper usage on the boat, by the master or other officer of the vessel, that by law would entitle a mariner to his discharge, may be set up as a defense to any indictment under this act.

SEC. 3. This act shall apply to no mariner except those that have signed shipping articles for a voyage clearly defined in said articles.

SEC. 4. If any mariner shall be arrested for the crime of desertion, while the vessel from which he deserted is still in port, or within the waters of Puget Sound, he may be discharged on his voluntarily returning to duty on said vessel.

See laws 1860, p. 330.

TO PROTECT AND PRESERVE BRIDGES, BOTH PUBLIC AND PRIVATE.

SECTION 1. The county commissioners of the several counties in this territory be authorized and required to pass such rules and regulations as will protect the bridges within their several counties, and preserve them from destruction or injury by fast riding, driving, and neglect: *Provided*, That this act shall not be so construed, as to affect or extend to any bridge located within the limits of any incorporated town in said territory.

SEC. 2. It shall be sufficient notice for the purposes of this act, to have a written or printed notice posted upon or near any bridge, prohibiting fast riding or driving, and giving the amount of fine for the violation of such rule.

SEC. 3. All fines assessed pursuant to the provisions of this act, may be collected by any citizen upon complaint made to any justice of the peace in the county in which the bridge is located, and said fine shall go into the school fund of the county.

See laws 1860, p. 331.

TERRITORIAL UNIVERSITY.

[The law locating the territorial university, providing for the selection of university lands, etc., page 16, laws of 1861, repealed January 1867, see page 114, laws of 1867.]

INCORPORATING TERRITORIAL UNIVERSITY.

SECTION 1. [Repealed, by law above referred to, page 115, laws 1867.]

SEC. 2. The university shall provide the inhabitants of this territory with the means of acquiring a thorough knowledge of the various branches of the literature, science and arts.

SEC. 3. The government of the university is vested in the board of regents.

SEC. 4. Three regents of the university shall be elected by the legislature each year, after the first year. The regents at their first meeting, shall determine by lot whose term shall expire the first year, the second, etc., until the term of office of the above board shall expire. In case of a vacancy, when the legislature is not in session, the governor may appoint.

SEC. 5. The board of regents shall have a corporate seal, and the same alter or break at pleasure; may hold all kinds of estate, real, personal or mixed, which they may acquire by purchase, donation, devise. or otherwise, necessary to accomplish the object of the corporation.

SEC. 6. The regents shall have power to enact ordinances, by-laws and regulations, for the government of the university; to elect a president; to fix, increase and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries.

SEC. 7. They shall have power to remove the president and any professor or tutors, when the interest of the university shall require it.

SEC. 8. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and receive such compensation as the board may prescribe: *Provided*, That the treasurer shall not, in any case, be a member of the board of regents, nor of the board of university commissioners.

SEC. 9. The university shall consist of at least four departments: (1.) A department of literature, science and arts; (2.) A department of law; (3.) A department of medicine; (4.) A military department. These departments may be organized, and such others added as the regents shall deem necessary, and the state of the university fund shall allow.

SEC. 10. The regents shall provide for the arrangements and selection of a course or courses of study in the university, for such students as may not desire to pursue the usual collegiate course in the department of literature, science, and the arts, embracing the ancient languages, and to provide for the admission of such students, without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students as may be appropriate to their respective attainments.

SEC. 11. The immediate government of the several departments shall be entrusted to the president, and the respective faculties, but the regents shall have power to regulate the course of instruction, and prescribe, under the advice of the professors, the books and authorities to be used in the several departments, and also to confer such degrees, and grant such diplomas as are usually conferred and granted by other similar institutions.

See laws 1863, page 477.

TERRITORIAL UNIVERSITY.

SECTION 1. All acts or parts of acts heretofore passed giving or granting power and authority over the interests or funds of the territorial university, including the selection, location and sale of university lands, to a board of commissioners, be and the same are hereby repealed, and the said board of commissioners are hereby required forthwith to turn over to the president of the board of regents herein appointed, all books, records, papers and property of every description in their or either of their possession belonging or in relation to said university, and to make a full and correct sworn exhibit of all their actions and doings from their or either of their appointment or election, up to the time of their so turning over, including a full description of each and every tract of land which has been located, the time when located, and a full and complete statement of the time and manner of the disposal of each of said tracts, and whether the sale of any tract was made for coin or legal tender notes, and if any land has been located which has been abandoned, the reasons why the same was abandoned, and a description of each tract thus abandoned.

SEC. 2. That all acts and parts of acts heretofore passed electing or appointing regents for said University, be and the same are hereby repealed, and that B. F. Dennison, David T. Denny, Frank Matthias, Harvey K. Hines and Oliver F. Gerrish be and the same are hereby appointed a board of regents for said university.

SEC. 3. That hereafter said board of regents shall consist of five persons, to be appointed by the legislative assembly as follows: Two at the first biennial session, three at the next, two at the next, and so on until otherwise provided.

SEC. 4. The regents herein appointed shall be divided into two classes, as follows:

1. David T. Denny and Harvey K. Hines, who shall hold office until the first biennial session of the legislative assembly of Washington territory, and until their successors are appointed and qualified;

2. B. F. Dennison, Frank Matthias and Oliver F. Gerrish, who shall hold office until the second biennial session, and until their successors are appointed and qualified.

SEC. 5. That all and singular the power and authority that has heretofore been vested in the board of commissioners, shall vest in and be exercised by the board of regents.

SEC. 6. That the board of regents hereby appointed shall supersede and take the place of the existing board of regents at the time of the passage of this act and the president of said board shall immediately turn over to the president of the board hereby appointed, all books, papers, money or other property belonging to said university.

SEC. 7. The said board of regents shall meet at Seattle, King county, as soon as convenient after the passage of this act, elect one of their number president, and do such other business as may be necessary: *Provided*, That until such election is had, B. F. Dennison shall be and is hereby appointed president, and the president shall have full power and authority to call a meeting or meetings of said board.

SEC. 8. That the said board of regents are hereby authorized and re-

quired to make a full and complete investigation of all the accounts and transactions of the said board of commissioners from its first appointment up to the date of such investigation, and to audit and settle said accounts; and for such purposes, said board of regents shall have full power to enforce the attendance of witnesses, the production before them of any and all books and papers touching on the subject under consideration, and the delivery of all the university property unto said board. The president shall have power to administer all oaths necessary to a full investigation of the university affairs; and the president of said board of regents shall, by the consent of the majority of the board, bring all actions and proceedings against any and all persons who have in any manner, by the violation of official duty or otherwise, defrauded the university fund or property, and institute any and all proceedings necessary under section fourteen of this act. It shall be the duty of said board of regents to report to the next legislative assembly, and each ensuing session, a full statement of all their acts and doings in behalf of the said university, and of the financial condition of the same; and among other things, at the next session thereof, an exact account of each tract of land and the manner of its disposal, the price thereof, and whether paid in coin or legal tender notes; if abandoned, the cause of said abandonment, and whether in good faith or not. Also a full account of the several sums of money paid out, whether the same was paid in legal tender notes or coin, and for what each sum was paid.

SEC. 9. Said board of regents shall, at their first meeting, elect one of their number treasurer, who shall hold his office during the pleasure of said board, and who shall, within thirty days after his election, qualify by taking the usual oath of office and give bond with two or more sureties, to be approved by said board, and in such sum as they may direct.

SEC. 10. The regents hereby appointed, and their successors shall, before entering upon the performance of the duties of their offices, qualify by taking the usual oath of office before some person authorized by law to administer the same.

SEC. 11. The said board of regents shall be allowed and paid a reasonable compensation for their services, which shall be provided for by the legislative assembly to which they make their report.

SEC. 12. The treasurer shall receive such compensation as the board of regents may direct, not exceeding one hundred and fifty dollars per annum, and shall report to said board as often and at such times as said board may direct, copies of which said report shall accompany the reports of the board of regents to the legislative assembly.

SEC. 13. The board of regents shall meet at the town of Seattle in King county, at least once in each year at a time to be fixed by them, and oftener if necessary.

SEC. 14. If any person on reasonable notice shall fail or refuse to render a proper exhibit to the board of regents, or to appear and testify before them, or to produce before them as evidence any document, books or papers, or fails or refuses to deliver to said regents any property to which said regents are entitled under this act, the president shall make an affidavit before some judge of the supreme court of this territory in vacation, or district court in session, of the facts constituting the said failure or refusal. Upon said affidavit being made as aforesaid, said

judge or court may, upon notice or otherwise, as the circumstances may require, in a summary manner order any party to furnish said exhibit to said regents, appear before said regents and testify, or produce books or papers before them, or deliver property to them; and if any person shall disobey any such order of the judge or court aforesaid, the said judge or court may punish said person as for a violation of a writ of injunction.

See laws 1867, p. 114.

TO CONFIRM TITLE TO UNIVERSITY LANDS.

SECTION 1. All deeds of conveyance for university lands in this territory, which have been executed since the passage of the act entitled "An act to provide for the selection and location of the land reserved for university purposes, to appoint a board of commissioners, and to provide for the selection and location of a site for the territorial university," passed on the eleventh day of January, one thousand eight hundred and sixty-one, in the name of Daniel Bagley, president of the board of university commissioners, instead of being executed in the name of the territory of Washington, shall be deemed, taken and held good and valid deeds in law; and shall have all the force and effect to pass from the territory of Washington to the purchaser or purchasers named in such deeds respectively, their heirs, executors, administrators and assigns, all the right, title and interest there vested, or which may thereafter be vested in the territory of Washington, in and to the lands described in said deeds, as though in each and all respects the deeds in their form and manner of execution had conformed to the requirements of law.

See laws 1875, p. 103.

EXPENSES OF REGENTS.

The regents of the territorial university, shall be paid for actual attendance upon a lawfully called or authorized meeting of the board of regents their actual and necessary traveling expenses between their place of residence and the city of Seattle by the usually travelled route. The secretary of the board of regents shall give to each regent a certified statement of the mileage due. On presentation of such certificate to the territorial auditor he shall issue a warrant upon the territorial treasurer for the amount therein named, and said treasurer shall pay the same as other territorial warrants are paid.

See laws 1877, page 331.

TO REGULATE PEDDLING BOATS.

SECTION 1. It shall not be lawful for any boat, scow, or other floating craft, to locate, in any of the harbors or banks of the rivers of this territory, for the purpose of trade or keeping a grocery or eating house, or for the transaction of any other business than that of navigation and transportation of goods and passengers, without the consent of the proper authorities of harbors in which they may be moored, or to the owners of the land to which they may be attached: *Provided*, Nothing in this act shall be construed to extend to any sea-going vessel.

SEC. 2. All owners of banks of rivers, bays, ports and sounds within this territory, in absence of corporations, shall have the same actions at

law to protect his banks against the above named boats, and other water crafts, that are given to protect his possession and enjoyment of other portions of his land.

SEC. 3. That nothing in this act shall be so construed as to prohibit the trade now pursued upon Puget Sound, or the sea coast of the territory.

SEC. 4. Suits may be brought against the owners of said boats without stating their names, if unknown to the plaintiff, and service shall be made upon the owners or persons in charge of such boats, and writs of attachment may issue as in civil cases.

See laws 1863, p. 441.

ADULTERATED LIQUORS.

SECTION 1. It shall be the duty of the county commissioners of each county to appoint at least one suitable person for each village or neighborhood, where spirituous liquors are sold in less quantities than a gallon, whose duty it shall be to inspect all liquors to be sold in less quantities than a gallon. Said inspector shall mark and approve all such liquors submitted to him, if he shall find them pure and free from adulteration; but if he shall believe that any liquors so submitted to him have been adulterated in any manner, he shall retain possession of them, and may, at the request of the owner, submit it to chemical proof, and if found impure or adulterated, said liquor shall be destroyed by said inspector.

SEC. 2. All inspectors under this act shall be duly sworn to a true and faithful performance of their duty, and should any inspector pass and approve any liquors that are obviously impure and adulterated, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding fifty dollars, for each offense, and shall forfeit his appointment as inspector.

SEC. 3. No person shall be appointed inspector unless he shall be possessed of sufficient property over and above such as is exempt from execution, to pay all fines under this act, or shall give bond to the commismissioners in the sum of five hundred dollars, for the faithful performance of all the requirements of this act.

SEC. 4. If any person in this territory shall sell, in quantities less than one gallon, any spirituous liquors, without first having them inspected and approved by the inspector referred to in the first section of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail not more than six months, and may be fined not more than five hundred dollars, according to the verdict of the jury.

SEC. 5. The inspector shall be entitled to fifty cents per barrel for all liquors inspected in barrels, and twelve and a half cents per dozen for all liquors, bottled, to be paid by the owners of the liquors.

SEC. 6. All wines, champaignes and cider, shall be comprehended within the term liquors for the purposes of this act.

See laws 1863, p. 446.

WEIGHTS AND MEASURES.

SECTION 1. The weights and measures, together with the scales and beams, and those made in conformity therewith, which are now or may

be hereafter deposited in the treasury of this territory, shall be preserved by the treasurer, and be the public standard in this territory.

SEC. 2. The treasurer of the territory shall be the sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the letters W. T., upon the weights and measures, scales and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, scales and beams, to be provided by the several counties, when examined by said treasurer, and found to be in conformity with the standard weights and measures, scales and beams aforesaid, and the treasurer of each county shall be the sealer of weights and measures of said county, and he shall provide a suitable seal and seal all weights and measures brought to him for that purpose, when the same are found to be in conformity with the legal standards.

SEC. 3. When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods and commodities, sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.

SEC. 4. Whenever wheat, rye, Indian corn, oats, barley, clover seed, buckwheat, dried apples, dried peaches, potatoes or onions, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows:

Sixty pounds for a bushel of wheat or clover seed;
Fifty-six pounds for a bushel of rye or Indian corn;
Thirty-six pounds for a bushel of oats; [See laws 1877, p. 334.]
Sixty pounds for a bushel of peas;
Sixty pounds for a bushel of beans;
Forty pounds for a bushel of timothy seed;
Forty-five pounds for a bushel of apples or pears;
Forty-five pounds for a bushel of barley;
Forty-two pounds for a bushel of buckwheat;
Twenty-eight pounds for a bushel of dried apples or dried peaches;
Sixty pounds for a bushel of potatoes;
Fifty pounds for a bushel of onions, turnips, beets and other vegetable roots.

SEC. 5. Two thousand one hundred and fifty and forty-two one-hundredths cubic inches, shall be the contents of the legal bushel within the meaning of this act, and the half bushel and parts thereof shall be the standard measure for charcoal, fruits, and other commodities customarily sold by the heaped measure, and in measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be, without special effort or design.

See laws 1863, p. 491.

OFFICIAL SEALS.

SECTION 1. It shall be the duty of the board of commissioners of the several counties of the territory, to provide and furnish seals for such of the several district and probate courts, as are now unprovided with the

same, and with such descriptions and devices, as the said courts shall respectively require.

SEC. 2. When any court of record shall be unprovided with a seal, the judge of said court may authorize the use of any temporary seal, or of any device by way of seal, until the same shall be provided as aforesaid.

SEC. 3. Any instrument to which the person making the same shall affix any device by way of seal, shall be adjudged and held to be of the same force and obligation, as if it were actually sealed.

See laws 1863, p. 495.

TO ORGANIZE THE MILITIA OF THE TERRITORY OF WASHINGTON.

SECTION 1. The territory of Washington shall constitute one militia district for brigade purposes, in which the legislature, on joint ballot, shall elect a resident citizen thereof brigadier general, who shall hold his office for three years, unless sooner removed by the legislature; and each council district in said territory shall constitute one regimental district.

SEC. 2. At the next annual election legal voters in each council district shall elect in the usual mode of electing officers, one colonel and one major, who shall assemble at such place within the district as a majority of them shall select within three months after their election, and proceed to lay off their regimental district into convenient company districts, containing as near one hundred white males, as may be, between the age of eighteen and fifty years, capable of bearing arms, and shall appoint one captain and two lieutenants in each district as officers therein.

SEC. 3. Such captain shall appoint four sergeants and four corporals in each company, who shall continue in office one year.

SEC. 4. All such officers, except sergeants and corporals, shall be commissioned by the governor, and shall continue in office for the term of one year, unless bodily infirmity or unsoundness of mind prevent them from discharging active duty, or they be removed by a court military for other good cause.

SEC. 5. In each year, every captain shall make out a list of all the persons in his district subject to bear arms, and forward a copy thereof to the colonel of the regiment, who shall thereupon make out and forward to the brigadier general a regimental return, showing the number of each rank and grade composing his regiment. It shall be the duty of the brigadier general to report annually to the governor, the state of the militia, the number of regiments and the number of the different rank and grade in each, together with such other information as shall be in his possession relating thereto.

SEC. 6. The governor and brigadier general shall, from time to time, prescribe all the rules and regulations not herein provided, necessary for the calling and conducting of courts martial.

SEC. 7. Volunteer companies may be formed in the bounds of any regiment under such rules and regulations prescribed by the colonel thereof and approved by the brigadier general.

SEC. 8. On application of the board of commissioners of any county by the certified copy of their order therefor, the governor shall cause to be sent to such county at its expense, its quota of public arms.

SEC. 9. Such county commissioners shall have the care of all public arms within their respective counties, and may transfer them under such

regulations as they may prescribe to such volunteer companies, battallions, or regiments, on having the safe keeping and return thereof, when demanded by the authorized agent of the board, secured by bond and approved sureties.

SEC. 10. The legislature shall elect an adjutant, quarter master and commissary general, who shall hold their office for three years, unless sooner removed by the legislature.

SEC. 11. It shall be the duty of the county assessor of each county in this territory, in taking the census of their respective counties, to make return in writing to the adjutant general of the territory, of all persons in their respective counties who may be liable to militia duty as is hereinafter provided; and for such service they shall receive such compensation as the county commissioners, of their respective counties may deem just and proper, to be paid out of the county treasury.

SEC. 12. Every white male citizen between the ages of eighteen and fifty, not disqualified by bodily infirmity, shall be liable to militia duty, and subject to be called upon for such purpose by the governor, in case of emergency.

SEC. 13. Whenever any number of persons liable to militia duty as aforesaid, not exceeding one hundred nor less than twenty-five, shall form themselves into a company or a detachment, for the purpose of permanent or temporary defence as volunteers, elect their own officers as hereinafter provided, and report the fact to the adjutant general, he shall thereupon make a requisition upon the quartermaster general to be approved by the governor, for suitable arms for said company, which shall be issued as hereinafter provided. For the purpose of such organization, fifty-two persons and upwards to one hundred, shall constitute a company, and shall choose one captain, one first and one second lieutenant, four sergeants and four corporals; every less number shall be considered a detachment, and shall choose one lieutenant, two sergeants and two corporals. Said officers shall hold their respective offices for the term of one year, unless sooner removed by a sentence of a court martial; and said captains and lieutenants shall be commissioned by the governor, and on receiving said commission, each shall take an oath, to be endorsed on the back thereof, before an officer authorized to administer oaths, that he will support the constitution of the United States, and faithfully discharge the duties of his office.

SEC. 14. Whenever, by reason of neighborhoods, it shall be more convenient for citizens of a portion of one county to join a company or detachment in an adjoining county, it shall be lawful for them so to do: *Provided, however*, That the company shall be deemed to belong to the county where the majority reside.

SEC. 15. Whenever several companies organized as aforesaid, shall be united together for active service, or otherwise, if two only, they shall proceed to elect a major to command the same; if four, to elect one major and one lieutenant colonel, and if more than four and less than ten, to elect in addition to the aforesaid officers, one colonel, who shall have command of all said companies so assembled together.

SEC. 16. It shall be lawful for every organized company or detachment of volunteers to adopt such regulations for its government and discipline as they may see fit, subject to the approval of the governor

and the brigadier general, and they may impose fines for non-attendance at drill or review, the proceeds of which shall form a company fund, to be expended in ammunition or other necessaries; and they may adopt such uniforms as are suitable for their particular service: *Provided, however*, That whenever companies may be called for actual service, each member thereof shall take an oath to support the constitution of the United States and the laws of this territory, faithfully to discharge his duties, and to obey the lawful commands of the superior officers placed over him.

SEC. 17. The quartermaster general shall, with the approval of the governor, upon receiving from the adjutant general the returns of any volunteer company or detachment, organized as hereinbefore provided, forward to the county commissioners of the county wherein the same is formed, a suitable quantity of arms and equipments of the kind required by said company or detachment, provided the same are in his custody, and such county commissioners shall thereupon issue the same to the officer commanding such company or detachment; and it shall be the duty of such commanding officer to make return of such arms and equipments, showing their condition to the quartermaster general, at least one month before the meeting of the legislature of each year; and each commanding officer shall, upon the election of his successor, or his resignation or removal from office or disability to act, or upon the disbanding of his company or detachment, turn over such arms or equipments to the county commissioners, who may then cancel his bond: *Provided, however*, That he shall be liable for all loss and damage not arising from the fortune of war or unavoidable accident: *Provided further*, Each member of a detachment or company, receiving arms or equipments, shall give his receipt to the commanding officer for the same, which on their return shall be cancelled; he shall, on failure to return them when called upon, pay double of the government valuation; said receipt to be received by the commissioners in lieu of the arms and equipments from the commanding officer.

SEC. 18. The adjutant and commissary general shall perform the same duties as the corresponding officers in the service of the United States, except so far as is herein modified. The quartermaster general shall have the custody of all the military property belonging to the territory, embracing arms and equipments, ammunition, ordnance and ordnance stores, and such as are not distributed among the several counties he shall preserve in good order in some suitable place at the seat of government, until they are legally disposed of. He shall annually report to the legislature the number and condition of said arms and other property, embracing not only those in his own custody, but also those issued to the several counties, and giving an abstract of the reports of the commanding officers of companies, and the county commissioners, with officers responsible for arms or property, and their securities, and the amount of their respective bonds; and shall annually report to the governor the number of organized companies, the names of the officers, and the number of the rank and file in each, together with such other information relative thereto, as shall be in his possession. He shall receive for his services a reasonable compensation, to be allowed him by the legislature.

SEC. 19. On application of the board of county commissioners for any county, the governor may, in his discretion, forward to them at the expense of the territory, the whole or any portion of its quota of arms as hereinafter defined, to be kept by them or issued to companies or detachments, under the same regulations as above provided; and it shall be the duty of such board to report annually to the quartermaster general the amount of arms and equipments received, on hand and issued, showing to whom issues have been made, and the amount of the bonds taken, with names of the sureties.

SEC. 20. The quota of arms of each county shall be in proportion to the number of persons liable to do militia duty, as hereinafter provided.

SEC. 21. The governor may appoint his staff, consisting of two aids, with the rank of lieutenant colonel. The brigadier general may appoint his aids, with the rank of captain. The quartermaster, adjutant and commissary generals may appoint their assistants and acting assistants, to rank the same as in the army of the United States. The regimental and battalion commanders may appoint their commissioned and non-commissioned staff.

SEC. 22. The governor shall fill all vacancies caused by death, resignation or otherwise, on the part of the officers elected by the legislative assembly, and provided for by this act, and in case any person so elected shall fail to qualify within ten days after he receives his commission, the office shall be deemed vacant, and it shall be competent for the governor to fill the same by appointment; and it shall be the duty of such officer so elected or appointed, to notify the governor of his having qualified.

SEC. 23. Whenever, in case of emergency, the governor shall deem it necessary to call upon the people of the territory for active service, he shall have authority so to do, and the troops so called for shall be organized in accordance with and subject to the provisions of this act.

SEC. 24. Whenever the volunteers of this territory are called into service by proclamation of the governor, they shall be governed by the rules and regulations that govern the army of the United States, as far as applicable.

SEC. 25. All acts and parts of acts not in conformity to the provisions of this act, are hereby declared void: *Provided*, That nothing in this act shall be so construed as to vacate any office heretofore filled by the legislative assembly, under and by virtue of the said act entitled, "an act to organize the militia."

See laws 1863, p 533.

TO ENCOURAGE THE BUILDING OF BRIDGES, PLANK OR TURNPIKE ROADS.

SECTION 1. Any person or persons having the right of soil, or having the consent of the owners thereof, may build over any river, creek, swamp, ravine, crevice, precipice or gully, a good and substantial bridge, plank, or turnpike road at his own expense, and shall receive such compensation in tolls as may be reasonable.

SEC. 2. This act shall not hinder the proper authorities from laying out roads alongside of said bridges, plank or turnpike roads, nor shall any person, under and by virtue of this act, in any way obstruct any county or territorial road now in use, or which shall be established before said bridges, plank, or turnpike roads shall be made.

SEC. 3. If at any time any bridge, plank, or turnpike road, that may be built by virtue of this act, may be necessary for the convenience of the traveling public, it shall be lawful for the proper authorities of any county, or the territory, to appropriate any such bridges, plank or turnpike roads to the use of the county or territory, by first paying to the owner or owners what said bridge, turnpike or plank road may be worth at the time it is appropriated to the use of the public; said value to be determined by three disinterested persons, or a majority of them, one to be selected by the sheriff of the county in which said road is situated, the other by the parties interested, and the two persons selected as aforesaid, shall choose a third.

SEC. 4. All persons who may build any bridge, plank, or turnpike road under the provisions of this act, shall put up and keep, in some conspicuous place at each end of said bridge or road, a list of charges which shall not be changed at any time except on the first Mondays of January of each year; and said notice shall name the person or persons to whom such charge may be paid. Any and all persons who build or own any bridge, built pursuant to the provisions of this act, shall be held liable for any and all damages done to passengers or property passing over such bridge, in consequence of the insufficiency of such bridge, such damages to be recovered before any court having competent jurisdiction.

SEC. 5. All persons wishing to cross any bridge or road that may be constructed under the provisions of the foregoing act, shall first pay to the person named in said notice, or his agent, the amount charged in the said list of prices.

SEC. 6. Nothing in this act shall be so construed as to prevent the proper authorities of counties or the territory, from constructing a public road across any such bridge, plank, or turnpike road, doing as little injury as possible to its proprietors, free of charge; and it shall also be lawful for any person building a bridge, plank or turnpike road under the provisions of this law, to build across any public road, provided he shall not in any way obstruct or injure said public road.

See laws 1863, p. 528.

FERRIES, TOLL BRIDGES AND TURNPIKE ROADS.

SECTION 1. Legislative grants or charters to individuals and companies to establish ferries, toll bridges, or turnpike roads, shall include the grant of the right of way over the land of private individuals, so far as the same may be necessary to enable the parties or party receiving such charter or grant to carry into effect such ferry, bridge, or turnpike road: *Provided, always*, That no more land shall be trespassed upon than is absolutely requisite to secure the necessary landings, ferry house and roadway to accommodate the traveling public.

SEC. 2. Any damage enuring to any person or persons by reason of appropriating his land for a landing, or for said right of way, shall be paid for. The damage to be ascertained by an appraisement of one or three disinterested persons, to be selected by the parties interested.

See laws 1863, p. 530.

CONCERNING MINORS, THEIR RIGHTS AND LIABILITIES.

SECTION 1. The period of minority extends in males to the age of twenty-one years, and in females to the age of eighteen years.

SEC. 2. A minor is bound, not only by contracts for necessaries, but also by his other contracts, unless he disaffirms them within a reasonable time after he attains his majority, and restores to the other party all money and property received by him by virtue of the contract, and remaining within his control at any time after his attaining his majority.

SEC. 3. No contract can be thus disaffirmed in cases where on account of the minor's own misrepresentations as to his majority, or from his having engaged in business as an adult, the other party had good reasons to believe the minor capable of contracting.

SEC. 4. When a contract for the personal services of a minor has been made with him alone, and those services are afterwards performed, payment made therefor to such minor in accordance with the terms of the contract, is a full satisfaction for those services, and the parents or guardian cannot recover therefor.

See laws 1866, p. 92.

FRAUDULENT CONCEALMENT OF PERSONAL PROPERTY.

SECTION 1. [See Code, section 829.]

SEC. 2. If any person being the copartner of another person or persons, shall fraudulently conceal or fail to account for any money or property belonging to the copartnership, with the fraudulent intent to convert the same to his individual use, such person shall be deemed guilty of the larceny of said money or property, and shall, if the amount so taken be of the value of thirty dollars or less, be fined in any sum not to exceed one hundred dollars, and shall be imprisoned in the county jail for a period of not to exceed thirty days; if the value of the copartnership property or money aforesaid exceed thirty dollars in value, then the person fraudulently concealing or failing to account for the same as aforesaid, shall be deemed guilty of grand larceny, and shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the penitentiary not less than one year nor more than two years.

See laws 1867, p. 98.

TIME OF CONVENING OF LEGISLATIVE ASSEMBLY.

SECTION 1. The regular biennial sessions of the legislative assembly of the territory of Washington shall commence at the capital of the territory on the first Monday of October in each alternate year, and continue for sixty days, unless sooner adjourned.

[Time also fixed by congress at sixty days.]

See laws 1868, p. 47.

WHEN GENERAL LAWS TAKE EFFECT.

SECTION 1. From and after the date of the passage of this act, all laws made and passed of a general nature shall not be deemed to have or take effect until sixty days after the sitting of the legislative assembly has expired, unless otherwise directed. [Passed January 16, 1868.]

See laws 1868, p. 47.

FOR THE BENEFIT OF AGRICULTURAL AND MECHANICAL FAIRS.

SECTION 1. The president and managers of agricultural and mechanical fairs in this territory shall have the authority to appoint one or more marshals for the purpose of preserving order on the fair grounds during the continuance of the fairs; and that such marshals so appointed shall have all the powers now conferred by law on sheriffs and constables.

SEC. 2. That before the marshals thus appointed shall proceed to act, they shall execute a bond, not to exceed three hundred dollars, and file the same in the county auditor's office, in the county in which said fair is to be held, the said bond to be approved by the said county auditor. They shall likewise take the oath sheriffs or constables are required by law to take, and be subject to the laws now in force relating to sheriffs and constables, and shall be entitled to the same fees sheriffs and constables now are for similar services.

See laws 1869, p. 328.

OATHS AND AFFIRMATIONS.

SECTION 1. Every court, judge, clerk of a court, justice of the peace or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to administer oaths and affirmations generally, and every such other persons in such particular case as authorized.

SEC. 2. An oath may be administered as follows: The person who swears holds up his hand, while the person administering the oath thus addresses him: "You do solemnly swear that the evidence you shall give in the issue (or matter) now pending between—and—shall be the truth, the whole truth, and nothing but the truth, so help you God." If the oath be administered to any other than a witness giving testimony, the form may be changed to: "You do solemnly swear you will true answers make to such questions as you may be asked," etc., etc.

SEC. 3. Whenever the court or officer before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing connected with or in addition to the usual form of administration, which, in witnesses opinion, is more solemn or obligatory, the court or other officer may, in its discretion, adopt that mode.

SEC. 4. When a person is sworn who believes in any other than the christian religion, he may be may be sworn according to the peculiar ceremonies of his religion, if there be any such.

SEC. 5. Any person who has conscientious scruples against taking an oath, may make his solemn affirmation, by assenting, when addressed, in the following manner: "You do solemnly affirm that," etc., as in section two.

SEC. 6. Whenever an oath is required, an affirmation, as prescribed in the last section, is to be deemed equivalent thereto, and a false affirmation is to be deemed perjury, equally with a false oath.

See laws 1869, p. 378.

DISEASED CATTLE.

SECTION 1. The introduction of Texas cattle, or cattle infected with what is known as the Texas cattle disease or Spanish fever, into the territory of Washington is hereby prohibited.

SEC. 2. Any person or persons introducing or bringing into said territory any Texas cattle or cattle infected with the Texas disease, or Spanish fever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail for a term not exceeding twelve months, or fined in a sum not less than five thousand dollars, or be both fined and imprisoned, at the discretion of the court.

SEC. 3. Any person or persons offending, as stated in section one of this act, shall be liable for any and all damages to any person or persons that may be injured by reason of the introduction of such Texas or diseased cattle.

SEC. 4. It shall be the duty of the sheriffs and constables of the several counties in the territory, to arrest and bring before a justice of the peace for examination any person they have reason to believe has violated the first section of this act.

SEC. 5. Any justice of the peace in any county where there is a violation of the provisions of this act, shall on complaint made before him, issue his warrant of arrest for the person named in the complaint, and when arrested he shall be examined before said justice, and if deemed guilty shall recognize in the sum of not less than five thousand dollars to appear before the next term of the district court to answer to the charge, and in default of bail be committed to the county jail until said term of court.

SEC. 6. All fines arising under this act shall be appropriated as follows: One-third to the officer making the complaint and arrest, one-third to the county for county purposes, and one-third to the school fund of the county in which the offense was committed.

See laws 1869, p 404.

CHILDREN OF CERTAIN AGE TO BE SENT TO SCHOOL.

SECTION 1. All guardians and other persons in this territory having, or who may hereafter have, the immediate custody of any child or children between the age of eight and eighteen years, shall send the same to school at least three months in each year said child or children may remain under their provision: *Provided*, That if the person having the custody of said child shall not be able to pay for its education as provided in this section, and shall satisfy the directors of that fact, such child shall be admitted free of cost.

SEC. 2. All time lost to any child in consequence of a school not being taught the required length of time, or from any other good reason, shall be made up the ensuing year or so soon as such disability is removed and a school is taught a sufficient time in their district to allow of such amend.

SEC. 3. In all cases where any person having the custody of any child shall fail to send said child to school the required length of time, provided that an opportunity has offered, and no good reason can be shown for the failure, then said person shall pay to the district clerk of his school district, on the presentation of a warrant from the school directors, the sum of one hundred dollars, to be incorporated into the school fund and used for school purposes in said district; but the county commissioners shall have power to remit fines arising by virtue of this act, when in their opinion justice demands a remission.

SEC. 4. It shall be the duty of the directors of schools to examine the

school schedules and make out and present to the clerk of their district, on or soon after the first day of November of each year, warrants for all money forfeited under this act for the year ending on the day above mentioned, and the time for collection specified in said warrants shall not extend beyond the first day of January of the succeeding year.

SEC. 5. Clerks of school districts shall have the same power to collect percentage for collecting money accruing under this act, that they already have for collecting other school money; and they shall report to the probate judge before the first day December of each year the name and residence of every orphan child that failed to attend school as herein required, and the probate judge shall have power to remove such child, and place it in the care of some other person who will be likely to comply with the requirements of this act.

See laws 1869, p. 406.

ERECTION OF COAST SURVEY SIGNALS.

SECTION 1. Any person or persons engaged in and belonging to parties employed under and by virtue of an act of congress, approved the 10th day of February, 1807, and the amendments thereto relating to the United States coast survey, may enter upon lands in this territory, and clear and cut timber upon the same, and may erect any works, building or appendage requisite and needful for the purpose of exploring, surveying, triangulating, leveling, or doing such acts as are requisite to attain the objects of said acts of congress, without being considered trespassers, provided no unnecessary injury be done to said lands.

SEC. 2. That where damages are caused to any inhabitants of the territory by such entry, such person so injured and the person or persons in charge of said coast survey party, shall agree upon the actual damages so incurred; and where they cannot agree, the party who shall have suffered said damage, may complain to the nearest justice of the peace in the county where such entry shall have been committed, who shall associate with himself two disinterested free holders of said county, one to be named by each of said parties; and said justice and free holders shall proceed to hear the complaint, and may, with or without view of the premises as they may determine, assess and award the damages incurred by the owner or possessor of said lands so entered: *Provided, nevertheless,* That the injured party shall have served five days' notice in writing of the time and place of the intended hearing, together with the name of the free holder so selected by him.

SEC. 3. That said magistrate and free holders shall, within ten days after making their said award, file the same in the office of the county auditor of the county where said lands lie, and said award shall be binding as a judgment and deemed conclusive as marking the assent of said parties, unless either party shall, within ten days after filing the same, file their written exceptions thereto, of which filing of exceptions due notice shall be given to the adverse party; and the issue made up upon said report and exceptions shall be tried at the next term of the district court of the district wherein said county is a part, which issue shall be tried as other civil actions, except that judgment thereon shall be had at the first term.

SEC. 4. That any person so entering upon lands for the purposes

aforesaid, may tender to the party injured compensation for any damage he may have suffered thereby, and if upon hearing, as hereinabove provided, the party refusing to accept such tender fails to recover greater damages or a judgment for a larger amount, the party or parties so entering upon lands, and causing such damages thereby, shall not be responsible for any costs.

SEC. 5. Justices of the peace and freeholders associated with them in the hearing of the above complaints, shall be entitled to the same costs now provided by law for suits before justices of the peace and the cost of trial of such issues hereinbefore provided in the district court, shall be the same as in civil actions.

SEC. 6. That any person or persons who shall willfully, maliciously or wantonly injure, deface, destroy or remove any instrument, signal, monument, building or appendage thereto, used or constructed, or being in this territory and connected with, or relating to, or in any manner belonging to or forming a part of the labors of said coast survey parties, such parties so offending shall, for each offense, be deemed guilty of a a misdemeanor, and shall be tried as parties guilty of misdemeanor are tried, according to the statutes of this territory; and on conviction thereof such person, for each and every such offense, shall be fined in the sum of two hundred dollars, to be recovered as other fines are recovered, one-fourth of which shall go to the prosecutor, and the remaining three-fourths shall be paid into the county treasury of the county where the offense is committed, to go into the school fund of said county; to which fine may be added imprisonment in the county jail for one month, and any damage resulting to the United States of America in consequence of violating the provisions of this section, may be recovered in any court of competent jurisdiction.

See laws 1869, p. 413.

TERRITORIAL TREASURER.

SECTION 1. The territorial treasurer shall reside and keep his office at the seat of government, and before entering upon his duties shall execute a bond to the territory of Washington, in the sum of sixty thousand dollars, to be approved by the governor and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the territory, to be endorsed on his commission, and file a copy thereof, together with his bond, in the office of the secretary of the territory. [See laws of 1881, p. 18.]

SEC. 2. It shall be the duty of the territorial treasurer:

1. To receive and keep all moneys of the territory not expressly required by law to be received and kept by some other person.

2. To disburse the public moneys only upon warrants drawn upon the treasurer, in the order of their number, date and issue, salaries of territorial auditor and treasurer excepted.

3. To keep a just, true and comprehensive account of all moneys received and disbursed.

4. To keep a just and true account of each head of appropriations made by law, and the disbursements under the same.

5. To render his accounts to the territorial auditor for settlement quarterly, on the first Monday of March, June, September and December of each year, or oftener if required.

6. To endorse on each warrant the date of payment, the amount of the principal and the interest due on said date.

7. To report to each house of the legislative assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding years.

8. To give information in writing, to either house of the legislative assembly, whenever required, upon any subject connected with the treasury or touching any duty of his office.

9. He shall account for and pay over all moneys on hand as such treasurer, to his successor in office and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor.

SEC. 3. All the books, papers, letters and transactions pertaining to the office of treasurer, shall be open to the inspection of a committee of the legislative assembly, or either branch thereof, to examine and settle all accounts, and to count all money; they shall also be open to the inspection of the public generally during office hours; and when the successor of any such treasurer shall be elected and qualified, the territorial auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give to him a certified statement showing the balance of moneys, securities and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislative assembly.

SEC. 4. The treasurer shall give duplicate receipts, under the seal of his office, for all sums of money which shall be paid into the treasury; he shall deposit one of them with the territorial auditor, who shall credit such person or county accordingly and charge the treasurer with the amount, and one to the person paying in the money.

SEC. 5. The treasurer shall have power to administer all oaths required by law, in matters pertaining to the duties of his office

SEC. 6. The treasurer shall keep a seal of office for the authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated of all documents lawfully deposited in his office, shall be received in evidence as the originals.

SEC. 7. It shall be the duty of the territorial treasurer, each year, when settling with the treasurers of the several counties, to credit said counties with the amount of delinquent territorial tax duly certified to by the county auditors.

SEC. 8. If the territorial treasurer shall willfully refuse to pay any warrant lawfully drawn upon the treasurer, or shall knowingly pay any warrant out of the order of its number, date and issue, he shall forfeit and pay fourfold the amount to any person injured thereby, to be recovered by action against the treasurer and his sureties on his official bond.

SEC. 9. The territorial treasurer shall, when he has money on hand to pay warrants, exceeding one thousand dollars, and said warrants are not presented for payment, advertise in some weekly newspaper at the seat of government having the largest circulation in the territory, for two weeks, stating the amount of money on hand and the number of the war-

rants he is prepared to pay, and if such warrants are not presented for payment within twenty days after the publication of such notice, such warrants shall not draw interest after said date.

SEC. 10. The territorial treasurer shall receive in lieu of the per centage now allowed by law, the sum of one thousand dollars per annum, to be allowed said treasurer in his quarterly settlement with the territorial auditor.

See laws 1871, p. 76.

INCIDENTAL EXPENSES OF THE OFFICE OF TERRITORIAL TREASURER.

SECTION 1. The sum of two hundred dollars be and the same is hereby appropriated annually to defray the expenses of the territorial treasurer's office, namely: Rent, fuel, light, stationery, printing of blanks and postage, and that the sum of fifty dollars shall be paid to the territorial treasurer quarterly, at the same time and in like manner as the salary of the territorial treasurer is now paid.

See laws 1877, p. 334.

PILOT COMMISSIONERS AND PILOTS ON THE COLUMBIA RIVER.

SECTION 1. It shall be the duty of the governor to appoint three suitable persons, who shall constitute a board of commissioners, for the purpose of examining candidates for the pilotage of the Columbia river and bar, and the said board of commissioners shall, on application, appoint one or more suitable persons, if they deem it necessary, to be pilots on the Columbia river and bar, giving each of such pilots a branch or warrant for the execution of his office, with an authority to appoint deputies in the cases to be specified in such branch or warrant: *Provided*, Each pilot shall report his said deputies for the approbation of said board of commissioners: *Provided also*, That whenever there shall be a vacancy in said board of commissioners such vacancy shall be filled by appointment made by the governor; said commissioners before entering upon the duties of their office shall qualify by oath or affirmation for the faithful discharge of their duties and shall be entitled to hold said office of commissioner for the term of two years from the date of their appointment, and after said board of commissioners shall have organized they shall forthwith notify the governor thereof, and they shall make a report of their proceedings to the governor at least once in every year thereafter.

SEC. 2. Every such branch pilot is authorized and directed, by himself or his deputy, to take charge of any vessel requiring his services, bound into or out of the Columbia river, but shall first show the master his warrant; but no vessel under one hundred tons burthen, engaged in the coasting trade, shall be compelled to pay pilotage, unless the services of a pilot are required and in all cases when the services of the pilot are required by the master of any vessel, said vessel shall be liable to pay the pilot his fees as specified in this act.

SEC. 3. The fee for piloting a ship or vessel from the open sea beyond the bar, to Astoria or Knappton, shall be eight dollars per foot draft for the first twelve feet, and ten dollars per foot for any excess above twelve feet; and for piloting a ship or vessel from Astoria or Knappton to the open sea beyond the bar, eight dollars per foot draft for the first twelve feet, and ten dollars per foot draft for the excess above twelve feet. If a pilot shall board a ship or vessel bound in, while she is either on or

within the bar, and not above Sand island, he shall be entitled to only half fees from thence to Astoria, and if, at the time of boarding, she shall be above Sand island, he shall be entitled to quarter fees only; but no ship or vessel bound in shall be required to pay pilotage which refuses to take a pilot after arriving on the bar. The fees of pilots on the river above Astoria shall be fixed from time to time by the pilot commissioners.

SEC. 4. Every bar pilot to whom a branch or warrant shall be granted by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient surety, to the said board of pilot commissioners, in the sum of five thousand dollars; and every river pilot to whom a branch or warrant shall be granted by said board, shall, before entering upon the duties of his or their office, give bonds with sufficient security, to the said board of pilot commissioners, in the sum of three thousand dollars, for the faithful performance of his or their duties while in office.

SEC. 5. It shall be the duty of the board of pilot commissioners to make semi-annual visits to the bar of the Columbia river, examine into the conduct of the pilots, the condition of the boats employed on said bar, as is hereafter specified.

SEC. 6. The pilots shall always keep a seaworthy boat or boats. of not less than forty tons burthen, full decked, to cruise outside the bar of the Columbia river, and in failing to do so, shall be deprived of their branches or warrants by a decision of the board of pilot commissioners.

SEC. 7. That said pilot boat or boats shall at all times carry a sufficient supply of provisions and water as may be necessary for the relief of vessels in distress, and it shall be the duty of the pilots at all times to offer such aid to vessels in stress of weather or in case of disaster.

SEC. 8. If any vessel while under the charge of a branch or warrant pilot, shall be lost or run aground, or sustain any damage through the negligence or unskillfulness of such pilot, such pilot shall be liable to pay all damages sustained by any person interested in such vessel or her cargo, and may, moreover, be removed from his office.

SEC. 9. Any master of a vessel who may choose to pilot his own vessel from outside of the Columbia river bar into said river, shall be permitted to do so, but he shall, notwithstanding, when bound into the river, pay to such pilot as shall first offer his services off the bar, one-half pilotage according to the fees specified in said warrant; and if bound out, one half pilotage.

SEC. 10. The said board of commissioners are authorized to hear and determine all complaints exhibited against the pilots appointed by them as aforesaid, and to suspend or remove them, and appoint others in their place.

SEC. 11. Should any shipmaster omit or refuse to pay the pilotage fees in any instance, when by this act he has become liable, then his consignees shall become liable for the same.

SEC. 12. That if a pilot acting under the provisions of this act shall have boarded any vessel outward bound, and shall be detained on board said vessel and carried to sea, or to any foreign port, the officers of such vessel so detaining said pilot shall be liable to pay to the pilot so detained, a compensation equal to the pay of the highest officer on board of said vessel, for all the time he shall be necessarily detained from his proper port.

SEC. 13. The board of commissioners created by this act shall be entitled to receive for the execution of a branch or warrant, the sum of twenty dollars, to be paid by the person applying for the branch or warrant, also five dollars per day for adjusting difficulties that may arise between such pilots and ship masters or owners, the said fees to be paid by the parties in fault. And for every day the said board of commissioners are in actual session, except when engaged in adjusting or settling disputes between pilots and shipmates or owners, they shall be entitled to receive the sum of five dollars per day and mileage at the rate of three dollars for every twenty miles travele l in coming to and going from the place where the sessions of said board are held: *Provided, however*, That they shall not receive pay for more than three days time at any one session and all money received for the execution of any branch, warrant or warrants shall constitute a fund to defray the incidental expenses of the said board of pilot commissioners, and the secretary of said board shall, at the end of each regular session, make a written statement of the number of days and the amount of mileage for which each commissioner is entitled to receive pay, which statement shall be signed by the secretary and the chairman of the said board of commissioners, and the territorial auditor, if he shall find said statement correct as herein provided, shall draw a warrant on the territorial treasurer for the amount which each commissioner is entitled to receive pay, and the territorial treasurer is hereby authorized to pay the same out of any money not otherwise appropriated.

SEC. 14. That all forfeitures, liabilities and penalties incurred under this act, shall be tried and determined in any court of record having cognizance of the same.

See laws 1871, p. 86.

DESTRUCTION OF FISH.

SECTION 1. It shall not be lawful for any person or persons to build or cause to be built, or to place or cause to be placed any fish trap, weir, seine or net in any fresh water stream or creek in Washington territory that will reach more than two-thirds across such stream or creek, or that will wholly prevent the passage of any fish either up or down such stream or creek.

SEC. 2. It shall not be lawful for any person or persons to use or cause to be used any fish trap, weir, seine or net in any of the lakes of said territory for the purpose of catching fish.

SEC. 3. Nor shall it be lawful for any person or persons to use or cause to be used, any minerals, drugs, fish berries or poisons of any kind for the purpose of catching fish.

SEC. 4. Nor shall it be lawful for any person or persons to build or cause to be built, any dam or other obstructions that shall reach wholly across any stream or creek in said territory, unless a chute or passage shall be provided sufficient to allow fish to pass either up or down such stream or creek.

SEC. 5. Any person or persons who shall violate any of the provisions of this act, shall, on conviction thereof before a justice of the peace of the proper county, be fined in the sum of twenty-five dollars for each offense; and it shall be lawful for any person to remove or destroy any trap, seine or net that may be found in use in said stream, creek or lake

in said territory of Washington, in violation of the provisions of this act.

See laws 1871, p. 93.

FENCES REMOVED BY FLOODS OR FIRE.

SECTION 1. Whenever any inhabitant of this territory shall have his fences removed by floods or destroyed by fire, the county commissioners of the county in which he resides shall have power to grant a license or permit for him or her to put a convenient gate or gates across any highway for a limited period of time, to be named in their order, in order to secure him from depredations upon his crops until he can repair his fences, and they shall grant such license or permit for no longer period than they may think absolutely necessary.

SEC. 2. It shall be lawful for the auditor of any county to grant such permit in vacation, but his license shall not extend past the next meeting of the commissioners' court.

SEC. 3. Any person retaining a gate across the highway after his license shall expire, shall be subject to a fine of one dollar for the first day and fifty cents for each subsequent day he shall retain the same, and it may be removed by the road supervisor, as an obstruction, at the cost of the person placing or keeping it upon the highway.

SEC. 4. The fees of the auditor under this act shall be paid by the applicant.

See laws 1871, p. 103.

TO ENABLE TOWNS AND CITIES TO APPROPRIATE LANDS FOR STREETS, ROADS AND ALLEYS.

SECTION 1. The corporate authorities of any city or town, duly incorporated, be and are hereby authorized and empowered to purchase, enter upon and hold any lands or premises that may be necessary and proper for the construction of streets, roads and alleys.

SEC. 2. That the powers and authority herein granted shall be exercised as prescribed in chapter 4 of the act to provide for the formation of corporations, approved Dec. 2, 1869.

See laws 1871, p. 107.

TO MAKE PERFECT TITLES TO LANDS IN WASHINGTON TERRITORY.

SECTION 1. Whenever any person or persons having sold and conveyed by deed any lands in this territory, and who, at the time of such conveyance, had no title to such land, and any person or persons who may hereafter sell and convey by deed any lands in this territory, and who shall not at the time of such sale and conveyance have the title to such land, shall acquire a title to such lands so sold and conveyed, such title shall inure to the benefit of the purchasers or conveyee or conveyees of such lands to whom such deed was executed and delivered, and to his and their heirs and assigns forever. And the title to such land so sold and conveyed shall pass to and vest in the conveyee or conveyees of such lands and to his or their heirs and assigns, and shall thereafter run with such land.

See laws 1871, p. 195.

IN RELATION TO LICENSES.

SECTION 1. That if any person shall hereafter sell any goods, wares or

merchandise, at auction or public outcry, or shall sell or barter such goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket, or other package carried on foot, without first having obtained a license therefor, from the board of county commissioners of the county in which such goods are sold or bartered, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, and shall stand committed to the county jail of the county in which said conviction may be had, until such fines and costs of prosecution shall be paid, or they may be discharged by due course of law: *Provided*, That this act shall not be so construed as to apply to any sea-going craft, or to administrators or executors selling property of deceased persons or to private individuals selling their household property or furniture or farming tools, implements, or live stock, or any produce grown or raised by such person, either at public auction or private sale. [See laws 1879, p. 130.]

SEC. 2. If any person shall sell or dispose of any spirituous, malt, or fermented liquors or wines, in any quantity less than one gallon, without first obtaining a license therefor as hereinafter provided, such person shall, for each and every such offense, be liable to a fine of not less than five nor more than fifty dollars, with costs of prosecution.

SEC. 3. The county commissioners, of the several counties in this territory, shall have power to grant a license, or by order of their board to direct the county auditor to issue a license to any person designated in the first section of this act, for such sum not exceeding twenty-five dollars per annum, as they may deem proper and expedient.

SEC. 4. Said county commissioners, in their respective counties, shall have the power to grant license to persons to keep drinking houses or saloons therein, at which spirituous, malt, or fermented liquors and wines may be sold in less quantities than one gallon; and such license shall be called a retail license upon the payment, by the person applying for such license, of the sum of three hundred dollars a year into the county treasury, and the execution of a good and sufficient bond, executed to such county in the sum of one thousand dollars, to be approved by such county commissioners or the county auditor of the county in which such license is granted, conditioned that he will keep such drinking saloon or house in a quiet, peaceable, and orderly manner: *Provided*, The foregoing shall not be so construed as to prevent the county commissioners of any county from granting licenses to drinking saloons or houses therein, when there is but little business doing, for less than three hundred dollars, but in no case for less than one hundred dollars per annum: *And provided further*, That such license shall be used only in the precinct to which it shall be granted: *Provided further*, That no license shall be used in more than one place at the same time: *And further provided*, That no license shall be granted to any person to retail spirituous liquors until he shall furnish to the county commissioners satisfactory proof that he is a man of good moral character. [See laws 1875, p. 124.]

SEC. 5. Said county commissioners in their respective counties shall also have power to grant licenses to sell spirituous liquors and wines therein in greater quantities than one gallon, to be called a wholesale li-

cense, upon the payment of the sum of not to exceed one hundred dollars per annum into the county treasury by such person so desiring such license; also, upon payment of not to exceed a like sum into the county treasury by any person desiring a grocery license to sell lager beer to grant such person such license to sell for the period of one year. Also, upon the payment of such sum as the county commissioners may establish and fix, by order duly entered in the record of their proceedings, not exceeding twenty-five dollars per annum for each billiard table, pigeon-hole table, or bowling alley, grant a license to any person applying for the same and giving such bond not exceeding two hundred dollars, as such commissioners may require: *Provided*, No person shall be required to take out any license to sell any wine made from fruit produced by such person's own labor, in this territory.

SEC. 6. Any person who shall sell spirituous liquors or wines in greater quantities than one gallon, or shall retail lager beer, or keep a billard table or tables, or bowling alley or alleys for hire, in any county in this territory, without first taking out a license therefor, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars nor less than five dollars, and shall be committed to the county jail of the county where such offense may be committed, and be placed at hard labor until such fine and cost shall be paid or they may otherwise be discharged by due course of law.

SEC. 7. Any person desiring a license to do any business provided by this act that a license shall be taken out for doing, shall have the same granted by paying to the county treasurer of the county where he wishes to carry on such business the maximum sum that the county commissioners are by this act authorized to fix therefor, and executing such bond, to be approved by the county auditor, as is provided in this act, shall be given before license shall issue for carrying on such business.

SEC. 8. The licenses authorized to be granted by this act shall, at the option of the person applying for the same, be granted for six, nine, or twelve months, and the person holding such license may transact the business thereby authorized at any place in the county where such license is granted: *Provided*, That such business shall not be transacted in but one place in the county at a time.

SEC. 9. Upon presentation to the county auditor of any county of the certificate of the county treasurer that any person has paid into the county treasury the amount provided by this act, to be paid for the transaction of any business that a license may be granted to transact, and for the time provided in this act, and upon the execution and delivery to such auditor of the bond hereinbefore required, it shall be the duty of such county auditor to issue such license to such person so presenting such certificate, executing and delivering such bond and making application therefor for the period of time that the money as shown by the treasurer's certificate would entitle the person so presenting the same to have a license issued for.

SEC. 10. Any person who shall keep a billiard table or tables, pigeon-hole, Jenny Lind, and all other gaming tables, or bowling alley or bowling alleys in a drinking saloon or house or in a room or building adjoin-

ing or attached thereto, and shall allow the same to be used by two or more persons to determine by play thereon which of the persons so playing shall pay for drinks, cigars, or other articles for sale in such saloon or drinking house, shall, within the meaning of this act, be deemed to keep the same for hire.

SEC. 11. None of the provisions of this act shall be held to apply to the sale by apothecaries or druggists of spirituons, malt, or fermented liquors or wines for medicinal purposes, upon the prescription of a practicing physician.

SEC. 12. All fines and forfeitures collected under this act, and all moneys paid into the treasury of any county for licenses as aforesaid, shall be applied to school or county purposes as the local laws of such county may direct: *Provided*, That this act shall not affect or apply to any private or local laws upon the subject of license in any county in this territory except King county, and no license shall be construed to mean more than the house or saloon kept by the same party or parties: *Provided, further*, That no part of this act shall in any way apply to the county of Island: *And provided, further*, That all moneys for licenses within the corporate limits of the town of Olympia shall be paid directly into the town treasury of said town as a municipal fund for the use of said town.

See laws 1873, p. 437.

IN RELATION TO QUARTZ MINING CLAIMS.

WHEREAS, The congress of the United States did by act, approved May 10, 1872, provide that all mineral lands, both surveyed and unsurveyed, should thereafter be free and open to exploration and purchase by citizens of the United States, and those who had duly declared their intentions to become such, and did by said act recognize the local customs and rules of the miners in different mining districts of the United States and its territories; and did make certain other provisions and regulations in reference to mineral lands, that local laws may regulate and make operative, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all mining claims upon veins or lodes of quartz or other rock in place bearing gold, or other valuable mineral deposits heretofore located, shall be governed as to length along the vein or lode, by the custom, regulations and laws in force at the date of their location. A mining claim located after the passage of this act, whether located by one or more persons, may equal, but not exceed one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet of surface on each side of the middle of the vein or the surface, except where adverse rights existing on the 10th day of May, 1872, shall render such limitation necessary. The end lines of each claim shall be parallel to each other.

SEC. 2. The locators of all mining locations heretofore made on any mineral vein, lode or ledge on the public domain, and their heirs and

assigns, so long as they comply with United States, territorial and local laws, shall have exclusive right of possession, and enjoyment of all surface included within the lines of their locations, and of all veins, lodes and ledges throughout their entire depth, to the top or apex of which lies inside of such surface lines extending downward vertically, although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside of the vertical side-line of said surface location: *Provided*, That nothing in this section shall be construed to extend the claim of any locator of a mining claim into the claim owned or possessed by any other person. [See laws 1873, p. 444.]

SEC. 3. The miners of each mining district may make rules and regulations governing the location and amount of work necessary to hold possession of a mining claim subject to the requirements of the act of congress, approved May 10, 1872, entitled "An act to promote the development of the mining resources of the United States," which are as follows: "The location must be distinctly marked on the ground so that its boundaries may be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location and such a description of the claim or claims, located by reference to some natural objects or permanent monument as will identify the claim. On each claim located after the passage of this act, and until a patent shall issue therefor, not less than one hundred dollars' worth of labor shall be performed, or improvements made during each year, and upon a failure to comply with these conditions, the claim upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made:" *Provided*, That all mining claims shall be recorded in the office of the county auditor of the county where the same is situated. [Stevens county exempted from provisions of this section by law of 1877, page 336.]

See laws 1875, p. 126.

TO SECURE ATTENDANCE OF WITNESSES BEFORE LAND OFFICERS.

SECTION 1. The register and receiver of the different United States district land offices within this territory, when sitting for the purpose of deciding matters of contest arising under the pre-emption, homestead or other land laws of the United States, are hereby authorized and empowered to issue summons or notice for parties to appear, and subpœnas for witnesses, with like power and effect as similar process issued by the courts of this territory, and with like power to punish for contempt or neglect or refusal to obey such process, and the practice and procedure governing in the district court, so far as the same shall be applicable, shall govern such district land offices, in such matters of contest and in the procuring the appearance of parties, and attendance of witnesses.

SEC. 2. Such summons or subpœna shall be directed to the sheriff of the county in which the party or witness is supposed to reside, and shall be served in like manner as similar writs issued out of the district courts. Before a writ of attachment can be issued to compel the attendance of a witness, he shall have been tendered his fees, to an amount equal to one day's attendance and mileage to and from his residence to the proper land office hearing said contest. Fees to sheriffs and witnesses shall be the same as prescribed for the same service in the district court.

SEC. 3. Parties at whose instance the performance of the service is required or who desire the attendance of said witness, must deposit sufficient to pay for the service in accordance with preceding sections, which may be taxed as costs in the case, and the register and receiver shall, in accordance with the instructions of the department of the interior and the general land office, and according to the usage of said land office, make an order in regard to the payment thereof.

See laws 1873, p. 475.

COMMISSIONERS OF DEEDS.

SECTION 1. The governor may appoint in each of the United States and the territories thereof, one or more commissioners, who shall continue in office for a term of four years, who shall have power to administer oaths, and to take depositions and acknowledgments and affidavits to be used in this territory.

SEC. 2. Before a commission shall issue to any commissioner appointed as aforesaid, the appointee shall:

First, Take and subscribe an oath before some officer authorized to administer the same in the State or territory for which such commissioner is appointed, that he will faithfully discharge the duties of his office, and forward a copy thereof to the secretary of the territory.

Second, Pay into the territorial treasury the sum of two dollars and fifty cents, taking the territorial treasurer's receipt therefor.

Third, File the said territorial treasurer's receipt in the office of the secretary of the territory.

SEC. 3. When the provisions of section two shall have been complied with, the secretary shall so inform the governor, who shall issue a commission to the said appointee, upon receipt of which, the said commissioner may enter upon the duties of his office. The governor may at any time revoke any appointment.

SEC. 4. The territorial treasurer shall keep all moneys received by him, under the provisions of this act, as a special fund, and pay the same out, only upon warrants drawn by the territorial auditor against the said fund; and whatever of the said fund shall remain in his hands unappropriated as hereinafter provided, at the end of each fiscal year, shall be transferred to the general fund.

SEC. 5. The territorial auditor shall, upon presentation to him by the secretary of territory, of bills or vouchers for postage, the purchase or printing of blanks, commissions, circulars, letters, instructions, acts, etc., to be used or distributed by the said secretary of the territory, in matters pertaining to the appointment or commissioning of commissioners of deeds, audit the same, and draw his warrant upon the territorial treasury, against the said special fund for the amount allowed by him, in favor of the secretary of the territory, and the territorial treasurer shall pay the same out the said special fund only.

See laws 1877, p. 257.

APPOINTMENT OF COMMISSIONERS OF DEEDS AND TO LEGALIZE THEIR ACTS.

SECTIONS 1 and 2. [See Code, sections 2626, 2627.]

SEC. 3. All commissions heretofore issued to persons in other states and territories, as commissioners of deeds, if issued four years pre-

vious to November 29th, 1871, are declared to have expired on the first day of January, 1872, and all other commissions issued previous to said November 29, 1871, shall expire four years from the date of the issue of said commissions. And it is hereby made the duty of the secretary of the territory to give notice to all parties who have qualified under such appointment of the passage and provisions of this act.

SEC. 4. All acknowledgments of deeds or other instruments for the conveyance of lands situated in Washington territory, which may have been taken between January 1st, 1872, and January 1st, 1873, inclusive, before any commissioner of deeds, residing in another state or territory, and duly appointed and qualified under the laws of this territory, be and the same are hereby legalized and declared valid, notwithstanding the commission of the commissioner of deeds taking such acknowledgment may have expired under provisions of the act entitled "An act to amend an act entitled an act to provide for the appointment of commissioner of deeds," approved November 29th, 1871.

See laws 1873, p. 477.

CURING DEFECTIVE ACKNOWLEDGMENTS.

SECTION 1. All those deeds or other instruments in writing which are required to be acknowledged by the laws of this territory, heretofore made or which shall hereafter be made containing omissions in the certificate of acknowledgment of the officer before whom the deed or other instrument in writing aforesaid was executed, and all other defects of like character in such certificate, shall not be deemed to invalidate such deed or instrument in any particular, but shall be deemed to convey all the right, title and interest of the party or parties executing the same in good faith, to their grantee as perfectly and effectually to all intents and purposes as if such defect or omission had not occurred in such certificate of acknowledgment: *Provided*, That this curative provision shall in nowise interfere with the vested rights of innocent third parties, and that nothing herein contained shall be so construed as to interfere in any manner whatever with any proceeding in equity in cases of mistake or fraud.

See laws 1873, p. 481.

PATRONS OF HUSBANDRY.

SECTION 1. Any Grange of the Patrons of Husbandry, desiring hereafter to incorporate, may incorporate and become bodies politic in this territory, by filing in the office of the treasury [secretary] of the territory of Washington, and in the office of the county auditor of the county wherein such Grange holds its meetings of business, a certificate or article embodying:

1. The name of such Grange and the place of holding its meetings.

2. What elective officers the said Grange will have, when such officers shall be elected; how, and by whom, the business of the Grange shall be conducted or managed, and what officers shall join in the execution of any contract by such Grange to give force and effect in accordance with the usages of the order of the Patrons of Husbandry; such articles shall be subscribed by the master of such Grange, attested by the secretary, with the seal of the Grange.

3. A copy of the by-laws of such Grange shall also be filed in the said office of the secretary of the territory and the county auditor of the proper county.

4. The names of all such officers at the time of filing the application, and the time for which they may be respectively elected. When such articles shall be filed, such Grange shall be a body politic and corporate, with all the incidents of a corporation, subject nevertheless to the laws and parts of laws now in force or hereafter to be passed regulating corporations.

SEC. 2. Said Grange may engage in any industrial pursuit, manufacturing, mining, milling, wharfing, docking, commercial, mechanical, mercantile, building, farming, building, equipping or running railroads, or generally engage in any species of trade or industry; loan money on security, purchase and sell on real estate, but when desiring to engage in either or any of the above pursuits or industries, said Grange shall be subject to all the conditions and liabilities imposed by the provisions of the general corporation laws, and in addition to the conditions to be performed as recited in section one of this act, shall file additional articles with said secretary of the territory, and the county auditor of the proper county, stating the object, business or industry proposed to be pursued or engaged in; the amount of capital stock, the time of its existence, not to exceed fifty years; the number of shares of which the capital stock shall consist, and price per share, and the names of officers necessary to manage said business, and the places where said officers shall pursue the same.

SEC. 3. As a business corporation said Grange, after having complied with section two of this act, shall be to all intents and purposes a domestic corporation, with all the rights, privileges and immunities allowed, and all the liabilities imposed by chapter one of the act entitled "An act to provide for the formation of corporations," approved November 13, 1873.

See laws 1875, p. 97.

TO PROVIDE FOR PAYMENT OF EXPENSES FOR CAPTURE AND DETENTION OF CRIMINLAS IN A FOREIGN JURISDICTION.

SECTION 1. The territorial auditor is hereby authorized to audit and allow all just and legal claims, which any foreign government, or its officers may have against this territory, in accordance with the general fee bills for like services, for the capture, detention and keeping of any criminal who has escaped from this territory, and taken refuge in any foreign jurisdiction, and upon the allowance of any such claim, he shall draw his warrarnt upon the territorial treasury therefor. And the territorial treasurer is hereby required to pay the same out of any funds in the territorial treasury, not otherwise appropriated.

See laws 1875, p. 115.

OFFICERS FOR NEWLY ORGANIZED COUNTIES.

SECTION 1. Hereafter when new counties shall be organized it shall be competent for the legislative assembly in passing such act establishing a new county to name and designate the county officers of such new county necessary to organize the government thereof, or the said act may appoint a board of county commissioners, and empower the persons named

in said act as such board, or a majority of them, after having qualified according to law, to appoint the remaining county officers until the next general election, or to fill any vacancy therein which may occur before such general election.

See laws 1875, p. 125.

TO PREVENT HORSE RACING TO THE DANGER OF THE PUBLIC.

SECTION 1. It shall not be lawful for two or more persons to race horses upon any portion of a usually traveled public highway, or within the limits of any unincorporated town to the danger of the traveling public or the inhabitants of such unincorporated town. Persons violating this section shall be liable to a fine of not less than twenty-five dollars for each and every offense, and to an action for damage to be recovered by civil action for an injury caused therefrom.

See laws 1875, p. 125.

SALE OF EGGS BY WEIGHT.

SECTION 1. Twenty-four ounces, or one and one-half pounds avoirdupois, shall be the standard of weight for a dozen of eggs, unless otherwise regulated by special contract.

See laws 1875, p. 132.

TERRITORIAL CONVICTS.

SECTION 1. The governor be and he is hereby authorized for and in behalf of the territory to enter into a contract with William Billings, sheriff of Thurston county, for the confinement, custody and maintenance of all territorial convicts under such restriction and limitations as are hereinafter stated.

SEC. 2. Such contract shall be in force for the term of six years from the time it is entered into and no longer, but the same shall be subject to renewal unless otherwise provided by law.

SEC. 3. The said William Billings shall stipulate in said contract that he will, prior to the thirtieth of June A. D., 1878, erect or cause to be erected at some suitable place in said county of Thurston, at his own expense, a strong, substantial building or buildings to be used as a penitentiary, with cells and all other appurtenances properly belonging to a penitentiary and so as to make it a safe and secure place of confinement, and of sufficient capacity to properly accommodate all persons convicted of offenses punishable by law by imprisonment in the penitentiary.

SEC. 4. The said Billings shall further stipulate in said contract that he will properly confine all such territorial convicts in said penitentiary according to their respective sentences during the period of his contract and that he will, at his own cost and expenses furnish said convicts with proper food, clothing, bedding and all necessary medicine and medical attendance, and also furnish at his own expense all guards and other employes of said prison and the proper keeping of said convicts therein.

SEC. 5. The said contractor shall also before thirtieth day of June, 1878, take an oath before some officer authorized to administer oaths that he will faithfully discharge the duties imposed upon him by the provisions of this act, which oath shall be filed in the office of the secretary of the territory and he shall be liable to the same penalties and punishments in case of escape, prison breach, willful inhumanity or oppression to

prisoners, as sheriffs, jailors and other officers are under the law, and all laws and parts of laws defining such offenses and proscribing [prescribing] their punishment shall apply to such contractor as though he were a public officer.

SEC. 6. The said contractor shall also before the said thirtieth day of June, 1878, execute a bond to the territory in the sum of ten thousand dollars with sufficient sureties, to be approved by the governor, conditioned for the faithful performance of all the conditions of his said contract, as mentioned in the 3d and 4th sections of this act, which bond after approval shall be filed in the office of the secretary of the teeritory.

SEC. 7. The said contractor shall receive from the territory as compensation the sum of seventy cents per diem for each prisoner confined in said prison under the provisions of this act, payment to be made quarterly upon the presentation of his account verified by oath and approved by the governor, to the territorial auditor, who shall draw his warrant on the treasury for the payment of the amount due. He shall also be entitled to receive and have all the proceeds of the labor of the convicts therein and the profits and emoluments from the operation of said prison, and the said contractor shall transport from the place of their conviction to said prison all territorial convicts who shall be sentenced during the term of said contract and all territorial prisoners now confined whose term of imprisonment does not expire before the 1st day of July A. D. 1878, and he shall receive therefor from the territorial treas ury the sum of five hundred dollars annually and no more.

SEC. 8. Convicts shall be confined strictly within the enclosure of said prison, except in the day time when at work under the charge of a guard.

SEC. 9. The governor, judge and prosecuting attorney of the 2d judicial district, auditor and treasurer shall be ex-officers [ex-officio] commissioners for the prison and shall have power to proscribe [prescribe] such general rules for the discipline of the prison as they may deem proper for the proper government of said prison, which rules shall be reasonable and in harmony with this act, and must be strictly obeyed by the said contractor, his guards and employes. The said commissioners shall also have the right to inspect and visit the said prison as often as they may deem it necessary and also to designate a respectable physician to examine into the health and condition of each convict from time to time, who is to report to the governor, which physician shall have access at all reasonable hours to said prison.

SEC. 10. When the building provided for in the 3d section of this act shall have been completed the said commissioners shall cause the same to be examined by one or more disinterested and skillful builders with reference to its security and adaptation for the purposes contemplated in this act, and if the said commissioners after such examination shall be satisfied that the same has been erected and furnished as prescribed in the contract, they shall issue their certificate to the said contractor, stating the said facts and shall also forward a similar certificate to each judge of the supreme court in this territory, and the six years provided for in section 2 of this act shall commence to run from the date of said certificate.

SEC. 11. After the granting of such certificate the said contractor

is entitled to demand and to receive into his custody every prisoner convicted of a felony in this territory prior to such time, when term of imprisonment shall not have expired and every sheriff or other officer having the custody of such prisoner, shall upon production of the said certificate deliver every such prisoner and the proper warrant of commitment to said contractor of said prison taking his receipt for the same and after the granting of such certificate each person convicted of any offense punishable by law by imprisonment in penitentiary shall be sentenced by the court having jurisdiction to imprisonment in the prison provided for in this act and shall be confined therein, and said prison for all purposes shall be deemed and held to be the penitentiary of the territory of Washington during the period of said contract.

SEC. 12. The said contractor shall also be entitled to demand and receive all handcuffs, irons and shackles and the right to manufacture the same which may be now owned by the territory, and also all blankets owned by the territory and used in any of the jails thereof for territorial convicts, and also all such territorial arms and ammunition as may be necessary to properly guard said prison and an inventory of such articles shall be taken by the contractor and filed in the office of the secretary of the territory, and the said contractor at the expiration of his contract shall account for all such articles to the territory.

SEC. 13. At the request of any regular minister of the gospel in charge of any established congregation in the territory, the said contractor shall permit divine worship to be held in said prison by such minister as often as once each Sabbath day.

SEC. 14. No assignment of the said contract or any interest therein shall be held as binding without the written consent of the said commissioners or a majority of them.

SEC. 15. In the event of the failure of the contractor to perform his said contract, the said commissioners are authorized to contract with any other suitable persons for the keeping of said prisoners under the limitations and restrictions of this act, which temporary contract shall be in force until the next ensuing meeting of the legislative assembly.

SEC. 16. The governor shall be chairman of the board of commissioners herein provided for. He shall convene all meetings of said board of which two members shall constitute a quorum. A majority of the board shall be necessary to decide all matters before them.

See laws 1877, p. 249.

DEFINING THE RIGHTS OF JURORS.

SECTION 1. No judge of the district court, judge of probate, justice of the peace or recorder in this territory wherever any jury shall be engaged in the trial of any cause in their respective courts and shall retire to consider upon their verdict, shall deprive said jury, after retiring as aforementioned, of food as they may desire for a longer period than six hours at any one time, and it is the intention of this act that such jury be furnished with food at intervals of not more than six hours while in consideration of their verdict.

SEC. 2. Any judge of the district court, judge of probate, justice of the peace or recorder in this territory who shall violate the provisions of section first (1) of this act shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be liable to a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense, said fine to be collected in the same manner as fines of a like nature are now collected by the statutes of Washington territory in such cases made and provided.

SEC. 3. All fines collected in accordance with the provision of this act shall be paid into the school fund of the county in which the offense shall be committed.

See laws 1877, p. 256.

PRISON REGULATIONS.

SECTION 1. The judges of the district courts of the several judicial districts of this territory shall, from time to time, as they may deem necessary, prescribe in writing rules for the regulation and government of the jails in the several counties within their respective districts upon the following subjects:

First. The cleanliness of the prisoners.

Second. The classification of prisoners in regard to sex.

Third. Beds and clothing for persons sentenced for felonies.

Fourth. Warming, lighting and ventilation of the prison.

Fifth. The employment of medical and surgical aid when necessary.

Sixth. Employment, temperance and instruction of the prisoners.

Seventh. The supplying of each prisoner with a bible.

Eight. The intercourse between prisoners and their counsel and other persons.

Ninth. The punishment of prisoners for the violation of the rules of the prison.

Tenth. Such other regulations as said judges may deem necessary to promote the welfare of said prisoner: *Provided*, That such rules shall not be contrary to or in any way impair laws now existing in this territory.

SEC. 2. The said judges shall as soon as necessary cause a copy of said rules to be delivered to the county commissioners in the several counties in their respective judicial districts; and it shall be the duty of said commissioners forthwith to cause the same to be printed and to furnish the sheriff of their county with a copy of said rules for each and every room or cell of said jail, and also to forward a copy of said rules to the secretary of the territory who shall file away and preserve the same.

SEC. 3. The sheriff shall, on the receipt of said rules, cause a copy thereof to be posted up and continued in some conspicuous place in each and every room or cell of said jail.

SEC. 4. The judges aforesaid may from time to time as they may deem necessary revise, alter or amend said rules, and such revised rules shall be printed and disposed of by said commissioners and sheriff, in the same manner as is directed by sections two and three of this act.

SEC. 5. The sheriff, or in case of his death, removal or disability, the person appointed by law to supply his place shall have charge of the county jail of his proper county and of all persons by law confined therein, and such sheriff or other officer is hereby required to conform in all respects to the rules and directions of said district judge above specified or which

may from time to time by such judge be made and communicated to him by said commissioners.

SEC. 6. The sheriff or other officer performing the duties of sheriff of each county in this territory shall as soon as necessary after the passage of this act procure at the expense of the proper county a suitable book to be called the jail register in which the said sheriff, by himself or his jailer, shall enter.

First. The name of each prisoner, with the date and cause of his or her commitment, together with a list and value of property taken from said prisoner or delivered to the sheriff or other officer at the time of the commitment of said prisoner.

Second. The date or manner of his or her discharge.

Third. What sickness, if any, has prevailed in the jail during the year and if known, what was the cause of such disease.

Fourth. Whether any or what labor has been performed by the prisoners and the value thereof.

Fifth. The practice observed during the year of whitewashing and clearing the occupied cells or appartment and the times and seasons of so doing.

Sixth. The habits of the prisoners as to personal cleanliness, diet and order.

Seventh. The means furnished prisoners of literary, moral and religious instruction.

Eighth. All other matters required by said rules or in the discretion of such sheriff deemed proper; that the said sheriff or other officer performing the duties of sheriff shall carefully keep and preserve the said jail register in the office of the jailer of his proper county, and at the expiration of said office shall deliver the same to his successor in office.

SEC. 7. The sheriff or other officer performing the duties of the sheriff shall on or before the first day of October in each year make out in writing from said jail register a jail report, one copy of which said report he shall forthwith file in the office of the clerk of the district court of the proper district, one copy with the county auditor of his county for the use of the commissioners thereof, and one copy of said report he shall transmit to the secretary of the territory, and it shall be the duty of said secretary to communicate the report of the several sheriffs of this territory to the legislative assembly on or before tenth day of its session.

SEC. 8 It shall be the duty of the district court to give this act in charge of the grand jury once each term of said court and lay before them any and all rules, plans or regulations established by the district judge relating to county jails and prison discipline which shall then be in force.

SEC. 9. That the grand jury of each sub-district shall once at each term of the district court while in attendance visit the jail of the county where the court is held, examine its state and condition; examine and inquire into the discipline and treatment of prisoners, their habits, diet and accommodation, and it shall be their duty to report to said court in writing whether the rules of the said district judge have been faithfully kept and observed, or whether any of the provisions of this act have been violated. It shall also be the duty of the prosecuting attorney of each district, once in each year, to visit the jails not accessible to the grand jury, and he shall make a report to the district court to the same effect as required of

the grand jury. It shall also be the duty of the county commissioners of each county of this territory to visit the jail of their county once during each of their regular meetings of each year.

SEC. 10. The sheriff shall visit the jail in person and examine into the condition of each prisoner at least once each month, and once during each term of the district court and it is hereby made his duty to cause all the cells and rooms used for the confinement of prisoners, to be thoroughly whitewashed at least three times in each year.

SEC. 11. Whenever any person committed to prison for any cause whatever shall be unruly or shall disobey any of the regulations established for the management of prisons, the sheriff or keeper may order such prisoner in solitary confinement and fed on bread and water only, unless other food shall be necessary for the preservation of his health, and no intercourse shall be allowed with such prisoner during such confinement, except for conveyance of food and other necessary purposes, but such period of confinement shall not exceed twenty days for each offense.

SEC. 12. The keeper of any prison may upon the commitment after judgment of a person convicted of a felony punishable by imprisonment cause the hair on the head of said prisoner to be closely cropped and so kept during his term of imprisonment.

SEC. 13. The jailer or keeper of the jail unless the sheriff elect to act as jailer in person, shall be a deputy appointed by the sheriff, and such jailer shall take the necessary oath before entering upon the duties of his office and shall be paid by the sheriff for his services as jailer and not by the county: *Provided*, The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of the other deputies.

See laws 1877, p. 302.

TO PRESCRIBE THE TENURE OF OFFICE.

SECTION 1. The election of all legislative, district, county and precinct officers shall hereafter be biennial, and shall be held at the same time as the election of delegate to congress.

SEC. 2. That all district, county and precint officers shall hold their offices for the term of two (2) years from and after the second Monday in January next after their election and until their successors are elected and qualified.

SEC. 3. That all officers nominated by the governor, and appointed by, and with the advice and consent of the legislative council of this territory shall hold their offices for the term of two years from and after the second Monday in January next after their appointment, and until their successors are appointed and qualified: *Provided*, That this section shall not apply to notaries public or commissioners of deeds.

See laws 1877, p. 330.

ENCOURAGEMENT AND SUPPORT OF MINING AND MANUFACTURING.

SECTION 1. Any person or persons, or company now incorporated, or that may hereafter become incorporated under the laws of this territory, for the purpose of mining or manufacturing, shall have the right to purchase or appropriate and take possession of and divert from its natural channel, and use and hold the waters of any river, creek or stream in this territory that may be required for the mining and manufacturing pur-

poses of any such person or persons, corporation or corporations, and to construct all dams, canals, reservoirs, ditches, pipes, flumes and aqueducts, suitable and necessary for the controling, directing and running such waters to their mines or manufacturing establishments of any such person or persons, corporation or corporations, where the same may be intended to be utilized for such purposes: *Provided*, That no such appropriation or diversion of the waters of any such river, creek, or stream, from its natural channel; nor shall any such dam, canal, reservoir, ditch, pipe, flume or aqueduct, be constructed to the detriment of any person or persons, corporation or corporations, occupying the lands or being located below the point or place of such appropriation or diversion on any such stream or its tributaries, or above or below such dam, canal, reservoir, ditch, pipe, flume or aqueduct, or of the owners of the lands through which the waters run in the natural course for the deprivation of the same, or the owners of the land through or upon which such dam, canal, reservoirs, ditch, pipe, flume or aqueduct, may pass through or over, or be situated upon, unless just and adequate compensation be previously ascertained and paid therefor.

SEC. 2. That the mode of proceeding to appropriate, take possession of and divert such waters and to build such dam, canal, ditch, reservoir, pipe, flume or aqueduct, as prescribed in section one of this act, when the parties cannot agree upon the purchase thereof, shall be the same as prescribed in chapter four of an act to provide for the formation of corporations, approved November thirteenth, eighteen hundred and seventy-three, except that the amount of the benefits accruing to the residue of the property of the same individual or corporation, by reason of the use made of that taken, to be estimated by the parties assessing the damages, shall be deducted from the value of the property taken.

See laws 1879, p. 124.

FOREIGN CORPORATIONS TO PAY LICENSE.

SECTION 1. All foreign corporations hereinafter mentioned, doing business in this territory, shall pay a revenue as hereinafter provided.

SEC. 2. Every such corporation or the agent thereof, or any person presuming to act as the agent for such corporation, before engaging in the business of life, fire or marine insurance, or brokerage corporations, or sewing machine manufacturing corporations, shall obtain from the county auditor of the county in which such agent, or person, presuming to act as agent for any such corporation, a license, which license shall be for a period of not less than six, nor more than twelve months, upon the payment to the county treasurer of any such county where such agent, or person presuming to act as agent for such corporation does business, and for such license, any such corporation, agent, or person presuming to act as such agent for the said corporation, shall pay a tax or license of fifteen dollars for six months, and thirty dollars for one year.

SEC. 3. That every person acting as the agent, or presuming to act as agent for any such corporation in this act named, before paying the tax and procuring the license herein named, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court having competent jurisdiction, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail any length of time, not ex-

ceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. All fines recovered under the provision of this act shall be paid into the county treasury for the benefit of common schools of such county.

See laws 1879, p. 140.

RECORDING OF ARTICLES OF INCORPORATION.

SECTION 1. Every article of incorporation, and every certificate of the appointment of an agent of any corporation hereafter filed in the office of the secretary of the territory, shall be recorded by said secretary.

SEC. 2. Articles of incorporation and certificates of appointment of agents heretofore filed in the office of the secretary of the territory shall be recorded by said secretary upon request of any person interested in such corporation.

SEC. 3. The fees for recording, under the provisions of this act, shall be the same as are allowed by law to the secretary for certified copies of papers on file in his office.

See laws 1879, p. 155.

IN RELATION TO REGENTS OF THE TERRITORIAL UNIVERSITY.

SECTION 1. Three regents shall constitute a quorum for the transaction of business.

SEC. 1. The said board of regents shall be authorized to confer upon a president and secretary the power to transact such business as may be necessary when such board is not in session.

See laws 1875, p. 230.

COUNTY LINES.

[Note.—An act to fix the boundaries of the counties of Washington territory passed both houses of the legislature at the session of 1881, but failed to reach the governor for his approval. There is much confusion and conflict among the many laws now on the statute books in regard to this matter, as they are scattered along in the different volumes from 1860 to 1881. The following has been carefully compiled from existing laws, and will be found as nearly correct as can be obtained under the present circumstances.]

CHEHALIS.

Commencing at the north-east corner of Pacific county; thence west to the sea coast; thence northerly along said coast, including Gray's Harbor, to the mouth of Queets creek or river; thence east thirty-six miles to the north-west corner of Mason county; thence south to the north-east corner of township number eighteen north, range seven west; thence east fourteen miles to the south-east corner of section thirty-two, in township number nineteen north, range four west; thence south six miles to the south-east corner of section thirty-two in township number eighteen north, range four west; thence east two miles to the south-east corner of section thirty-four, same township; thence south to a point due east of the north-east corner of Pacific county; thence west to the place of beginning.

See p. 296, laws 1869, p. 482, laws 1873.

CLALLAM.

Commencing at the north-west corner of Jefferson county, at a point opposite the middle of the channel between Protection Island and Diamond Point on the west of Port Discovery Bay; thence following up the middle of said channel to a point directly east of the mouth of Eagle creek; thence west to the mouth of Eagle creek; thence one mile west from the mouth of said creek; thence south to the north boundary line of township twenty-seven north, range two west; thence west to the sea coast; thence following up the said coast to Cape Flattery and to the Strait of Juan de Fuca; thence easterly along the coast of said Strait of Juan de Fuca to the place of beginning.

See p. 292, laws 1869.

CLARKE.

Commencing at the Columbia river opposite the mouth of Lewis river; thence up Lewis river to the forks of said river; thence up the north fork of Lewis river to where said north fork of Lewis river intersects the township line between townships four and five east; thence due south to the Columbia river; thence with the main channel of said river to the place of beginning.

See p. 295, laws 1869, p. 153, laws 1871, and p. 561, laws 1873.

COLUMBIA.

Commencing at a point in the middle of the channel of Snake river, where the range line between ranges thirty-six (36) and thirty-seven (37) east of the Willamette meridian intersects said point; thence south on said range line to the north-west corner of township number nine (9) north, range thirty-seven (37) east; thence east on the north boundary line of township number nine (9) north, range thirty-seven (37) east, to the north-east corner of said township; thence south on the line between ranges thirty-seven (37) and thirty-eight (38) east of the Willamette meridian, to the north-east corner of township number six (6) north, range thirty-seven (37) east; thence along the north boundary line of township number six (6) north, range thirty-eight (38) east to the north-east corner of said township; thence due south to the line dividing the territory of Washington from the state of Oregon; thence due east on said dividing line to the range line between ranges forty-one and forty-two east; thence north on range line to the corner of sections 13, 18, 19 and 24, township ten north, ranges forty-one and forty-two east; thence west three miles; thence north three miles; thence west one mile; thence north one mile; thence west one mile; thence north three miles; thence west one mile; thence north to the south-west corner of township twelve north, range forty-one east; thence west on township line six miles; thence north on range line between ranges thirty-nine and forty to a point in the mid-channel of Snake river; thence down the mid-channel of said river to the place of beginning.

See p. 133, laws 1875, p. 226, laws 1879, and p. 175, laws 1881.

COWLITZ.

Commencing at the Columbia river opposite the mouth of Lewis river; thence up Lewis river to the forks of said river; thence up the north fork

of Lewis river to where said north fork of Lewis river intersects the township line between townships four and five east; thence north to the line between townships ten and eleven north; thence west to the first section line east of the township line between townships four and five west; thence south on said line to the Columbia river, and up Columbia river to the place of beginning.

See p. 296, laws 1869; p. 571, laws 1873.

GARFIELD.

Commencing at a point in the mid-channel of Snake river on township line between ranges 39 and 40; thence on said line south to the southwest corner of township twelve (12), range forty (40); thence east on township line six (6) miles; thence south to the south-west corner of section seven (7), township eleven (11) north, of range forty-one (41) east; thence east one (1) mile; thence south three (3) miles; thence east one (1) mile; thence south one (1) mile; thence east one (1) mile; thence south three (3) miles; thence east three (3) miles; thence south on township line to the Oregon line; thence due east on said line to a point where it intersects the mid-channel of Snake river; thence down the said mid-channel of Snake river to the point of beginning.

See p. 185, laws 1881.

JEFFERSON.

Commencing at the middle of the channel of Admiralty Inlet due north of Point Wilson; thence westerly along the Strait of Fuca to the north of Protection Island, to a point opposite the middle of the channel between Protection Island and Diamond Point on the west of Port Discovery Bay; thence following up the middle of said channel to a point directly east of the mouth of Eagle creek; thence west to the mouth of Eagle creek; thence one mile west from the mouth of said creek; thence south to the summit of the Olympic range of mountains, it being the south-east corner of Clallam county, on the north boundary line of township twenty-seven north, range two west; thence west to the Pacific Ocean; thence southerly along the coast to the mouth of Queets; thence east to the middle of the channel of Hood's Canal; thence northerly along said channel to the middle of the channel of Admiralty Inlet; thence northerly following the channel of said Inlet to a point due north of Point Wilson and place of beginning.

See p. 291, laws 1869.

KING.

Commencing where the fifth standard parallel line strikes the main land near the head of Commencement Bay; thence east along said parallel line to the middle of the main channel of White river; thence up the middle of the main channel of White river to the forks of White river and Green Water; thence up the main channel of Green Water to the summit of the Cascade mountains; thence northerly along said summit to the south-east corner of township number twenty-seven north, range eleven east, it being a point due east of the north-east corner of township twenty-six, range four east; thence west to Admiralty Inlet; thence southerly along the main channels of Admiralty Inlet, Colvo's Passage

and Commencement Bay, to the fifth standard parallel and place of beginning.

See p. 293, laws 1869.

KITSAP.

Commencing in the middle of Colvo's Passage, at a point due east of the meander post between sections nine and sixteen, on west side of Colvo's Passage, in township number twenty-two north, range two east; thence west on the north boundary line of sections sixteen, seventeen and eighteen, to the head of Case's Inlet; thence north to a point that will intersect a line drawn due east and west through the center of township number twenty-three north, of range three west; thence continue due west to the middle of the channel of Hood's Canal; thence along said channel to the middle of the main channel of Admiralty Inlet; thence following said channel up to the middle of Colvo's passage; thence following the channel of said passage to the place of beginning.

See p. 293, laws 1869.

KLICKITAT.

Commencing at a point midchannel of the Columbia River opposite to the mouth of the White Salmon; thence running north to the north boundary of township number six north; thence east along the said north boundary until said line intersects the Columbia river; thence down the Columbia river mid-channel to the place of beginning.

See p. 296, laws 1869; p. 571, laws 1873.

LEWIS.

Commencing at the north-east corner of Pacific county; thence south along the west boundary of range five west, to the south-west corner of township eleven north, range five west; thence east along south boundary of township eleven north, to the summit of the Cascade range; thence northerly along said summit to the head of Nesqually river; thence westerly down the channel of said river to the south-east corner of Thurston county; thence west to the place of beginning.

See p. 295, laws 1869, and p. 213, laws 1879.

MASON.

Commencing in middle of the main channel of Puget Sound where it is intersected by the mid-channel of Case's Inlet, thence westerly along the mid-channel of Puget Sound via Dana's passage into Totten's inlet and up said inlet to its intersection by section line between sections twenty-eight (28) and twenty-nine (29) in township nineteen [19] north, range three (3) west of the Willamette Meridian; thence south to the south-west corner of section thirty-three [33] in said township nineteen north, three west; thence west along the township line dividing townships eighteen [18] and nineteen [19] twenty miles to the township line dividing ranges six [6] and seven [7] west of the Willamette Meridian, which constitutes a part of the east boundary line of Chehalis county; thence north along said township line to the sixth standard parallel; thence east along said parallel line to the middle of the channel of Hood's canal, thence southerly along said mid-channel to a point due west of the intersection of the shore-line of said Hood's canal by the town-

ship line between township twenty-three [23] and twenty-four [24]; thence east along said township line to the line dividing sections three and four in said township twenty-three north, one west of the Willamette Meridian; thence south along said section line to the head of Case's inlet; thence south by the mid-channel of said inlet to the place of beginning.

See p. 406, laws 1877.

PACIFIC.

Commencing at the mid-channel of the Columbia river at the point of intersection of the line between ranges eight and nine west; thence north along said line to the north boundary of township ten north; thence east along said boundary to the line between ranges five and six west; thence north along the west boundary of ranges five west to the north-west corner of section eighteen in township number fifteen north, range five west; thence west to the sea coast; thence southerly, including Shoalwater Bay, to Cape Disappointment; thence up mid-channel of the Columbia river to the place of beginning.

See p. 429, laws 1860; p. 296, laws 1869; p. 538, laws 1873; p. 213, laws 1879.

PIERCE.

Commencing at the mouth, mid-channel, of the Nisqually river; thence following the main channel of said river to its head; thence due east to the summit of the Cascade mountains; thence northerly along said summit to the head of Green Water; thence westerly down said river to its confluence with White river; thence down the main channel of White river, to the intersection of the fifth standard parallel; thence west along said line to the head of Commencement Bay; thence northerly along the main channel of said bay to the south entrance of Colvo's Passage; thence down the channel of said passage to the north-east corner of section sixteen, in township number twenty-two north, range two east; thence west to the north-east corner of section sixteen, in township number twenty-two north, range one west; thence southerly along the channels of Case's Inlet and Puget Sound, to the middle of the mouth of the Nisqually river and place of beginning.

See p. 294, laws 1869.

THURSTON.

Commencing at the south-east corner of section thirty-two, in township number nineteen north, range four west; thence east on township line to the south-east corner of section thirty-two, in township number nineteen north, range three west, thence north to the middle of the channel of Totten's Inlet; thence along said channel to the waters of Puget Sound, intersecting the line in channel of Puget Sound, west of the southern portion of Squaxen reservation; thence following said channel to the mouth of the Nisqually river; thence up mid-channel of said river to a point where it strikes the north boundary of Lewis county; thence due west to the north-west corner of section twenty-six, in township number fifteen north, range four west; thence north to the south-east corner of section thirty-four, in township number eighteen north, range four west; thence west on the township line to the south-east corner of section thir-

ty-two; thence north on the section line to the south-east corner of section thirty-two in township number nineteen north, range four west and place of beginning.

See. p. 294, laws 1869, and p. 482 laws, 1873.

SAN JUAN.

Commencing in the Gulf of Georgia at the place where the boundary line between the United States and the British Possessions deflects from the 49th parallel of north latitude; thence following said boundary line through the Gulf of Georgia and Canal De Haro to the middle of the strait of Fuca; thence easterly through Fuca straits along the center of the main channel between Blunt's Island and San Juan and Lopez Islands to a point easterly from the west entrance of Deception pass, until opposite the middle of the entrance to Rosario straits, thence northerly through the middle of Rosario straits and through the Gulf of Georgia to the place of beginning.

See p. 461, laws 1873, and p. 425, laws 1877.

SKAMANIA.

Commencing on the Columbia river at a point where range line number four east strikes said river; thence north to the north boundary of township number ten north; thence east to a point due north of the mouth of White Salmon; thence south to the middle of the channel of the Columbia river; thence along the channel of said river to the place of beginning.

See p. 296, laws 1869, and p. 213, laws 1879.

SNOHOMISH.

Commencing at the south-west corner of Whatcom county, thence east to the summit of the Cascade mountains; thence southerly along the summit of said Cascade mountains to the north-east corner of King county, it being a point due east of the north-east corner of township number twenty-six north, of range four east; thence due west along the north boundary of King county to Admiralty inlet; thence northerly along the channel of said inlet to the entrance of Port Susan, including Gedney island; thence up the main channel of Port Susan to the mouth of the Steilaguamish river; thence north-westerly through the channel of the slough at the head of Camano island, known as Davis slough; thence northerly to the place of beginning.

See p. 426, laws 1877.

SPOKANE.

Commencing at a point where the section line between section twenty-one [21] and twenty-eight [28], in township fourteen [14] north, range twenty-seven [27] east, Willamette Meridian, Washington Territory, strikes the main body of the Columbia river on the west side of the island; thence west to the mid channel of the Columbia river; thence up the mid channel of the Columbia river to the Spokane river; thence up the mid channel of the Spokane river to the Little Spokane river; thence north to the township line between townships twenty-nine and thirty; thence east to the boundary line between Washington and Idaho

territories; thence south on said boundary line to the fifth standard parallel; thence west on said parallel to the Columbia guide meridian; thence south on said meridian to the fourth standard parallel; thence west on the fourth standard parallel to the range line between ranges twenty-seven [27], and twenty-eight [28]; thence south on said range line to the section line between sections twenty-four [24] and twenty-five (25), in township fourteen [14] north, range twenty-seven east, Willamette meridian; thence west to the place of beginning.

See p. 203, laws 1879.

STEVENS.

Commencing at the point of intersection of the forty-ninth parallel of latitude, and the boundary line between Washington and Idaho Territories; thence west with said parallel to the summit of the Cascade mountains; thence southerly with said summit to the head waters of the Wenachee river; thence down mid-channel of said river to the Columbia river; thence up mid-channel of said river to the Spokane river; thence up the mid-channel of Spokane river to the Little Spokane river; thence north to the township line between townships twenty-nine and thirty; thence east to the boundary line between Washington and Idaho territories; thence north on said line to the forty-ninth parallel of latitude and place of beginning.

See p. 297, 1869, and p. 203, laws 1879.

WAHKIAKUM.

Commencing at the south-east corner of Pacific county on the Columbia river; thence up mid-channel of said river to the south-west corner of Cowlitz county; thence north to the north-west corner of Cowlitz county; thence west on the northern boundary of township ten north to the line between ranges eight and nine west; thence south to the place of beginning.

See p. 295, laws 1869, and p. 213, laws 1879.

WALLA WALLA.

Commencing at a point where the boundary line between Washington territory and Oregon intersects the Columbia river; thence up the main channel of the Columbia to the mouth of the Snake river; thence up the main channel of said river, to where the range line between ranges thirty-six and thirty-seven intersects said point; thence south on said range line to the north-west corner of township number nine (9) north, range thirty-seven (37) east; thence east on the north boundary line of township number nine (9] north, range thirty-seven [37] east, to the north-east corner of said township; thence south on the line between ranges thirty-seven [37] and thirty-eight [38] east of the Willamette meridian, to the northeast corner of township number six [6) north, range thirty-seven [37] east; thence along the north boundary line of township number six [6] north, range thirty-eight (38) east to the north-east corner of said township; thence due south to the line dividing the territory of Washington from the state of Oregon; thence due west on said dividing line to the place of beginning.

See p. 297, laws 1869; p. 133, laws 1875 and p. 226, laws 1879.

WHATCOM.

Commencing at the west end of Deception Passage; thence up said passage mid-channel in an easterly direction to the southern entrance of Swinamish slough or river; thence following the meanderings of the beach easterly to where the eight standard parallel strikes the beach; thence due east along said parallel to the summit of the Cascade mountains; thence northerly along the summit of said mountains to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel to the point dividing the American and British possessions in the Gulf of Georgia; thence along said boundary line to the Strait of Juan de Fuca; thence southerly to the place of beginning.

See p. 291, laws 1869.

WHITMAN.

Commencing at a point where the section line between sections 21 and 28, township 14 north, of range 27 east Willamette meridian, Washington Territory, strikes the main body of the Columbia river on the west side of the island; thence east on said section line to township line between ranges 27 and 28 east; thence north on said range line to the fourth standard parallel; thence east on said parallel to the Columbia guide meridian, thence north to fifth standard parallel; thence east on said parallel to the boundary line between Idaho and Washington Territories; thence south on said boundary line to the mid-channel of Snake river; thence down the mid-channel of Snake river to mid-channel of Columbia river; thence up the mid-channel of Columbia river to a point opposite the place of beginning; thence east to the place of beginning.

See p. 189, laws 1875.

YAKIMA.

Commencing at the north-west corner of township number six north, of range number twelve east; thence east along the north boundary of township number six north until said line intersects the Columbia river; thence north up the mid channel of said river to the mouth of the Wenatchee river; thence up the Wenatchee river to the summit of the mountains; thence southerly to the south-east corner of Lewis county; thence west along the line of said county to the north-east corner of Skamania county; thence south to the place of beginning.

See p. 297, laws 1869; p. 571, laws 1873; and p. 213, laws 1879.

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